United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

*Vol. 146* WASHINGTON, THURSDAY, JULY 27, 2000 *No. 100—Part II*

# *Senate*

## IMPROVING FUEL ECONOMY

Mr. GORTON. Mr. President, I am here to cheer the announcement by the Ford Motor Company that it will voluntarily improve the fuel economy of its fleet of sport utility vehicles by 25 percent over a period of 5 years. At a time when gas prices are skyrocketing and sales of SUVs are increasing, this announcement couldn't come at a better time. Ford's decision to make SUVs more fuel efficient is welcome news. I have long said that the industry has existing technology to allow cars to go farther on a gallon of gas and to save consumers money at the gas pump. Ford has set an example that other auto manufacturers should follow immediately. I am anxiously awaiting a response from the remaining two of the big three and hope they will join Ford in its pursuit of cleaner, more efficient vehicles.

I hope the manufacturers, now having pledged to improve fuel efficiency, will join me in my efforts to study an increase in corporate average fuel economy standards. As my colleagues know, I have long been an advocate of raising CAFE standards and scored a breakthrough victory earlier this year that paves the way for the Department of Transportation and the National Academy of Sciences, once again, to study fuel efficiency standards and their relationship to such issues as vehicle safety and to recommend the findings to Congress by July 1, 2001. I look forward to working with the automotive industry to ensure that this study is fair and balanced.

Many constituents and colleagues are surprised to learn of my advocacy for CAFE standards. My motivation is a simple one and is based on the success of the original CAFE standards statutes. I have never been swayed by doomsday predictions from automakers that claim they would be forced to manufacture a fleet of subcompact cars if we allowed the Department of Transportation to study and impose an increase in CAFE standards. We have come a long way from absolute opposition to a study of the issue to today's major announcement by the Ford Motor Company that will be of tremendous benefit to consumers who want cleaner, more efficient SUVs. This announcement reaffirms my faith in the ability of American automobile manufacturers to produce fuel-efficient vehicles that are the envy of the world. The debate over raising CAFE standards has come a long way, and I look forward to continuing this debate when Congress returns from its August recess.

## BREACHING COLUMBIA AND SNAKE RIVER DAMS

Mr. GORTON. Mr. President, on a third and separate subject, during the course of this past week, four Northwest Governors, two Republicans and two Democrats—the Governors of Montana, Idaho, Washington, and Oregon—released a framework that shows great promise toward the recovery of endangered salmon on the Columbia and Snake Rivers. They have done so without recommending that any dams on the Columbia and Snake Rivers be breached and destroyed. I agree wholeheartedly with the following statement from their plan:

> The region must be prepared in the near term to recover salmon and meet its larger fish and wildlife restoration obligations by acting now in areas of agreement without resorting to breaching the four Snake River dams.

That is a reasonable statement. Unfortunately, it is not one which Vice President GORE and the Federal agencies now concerned with salmon enhancement endorse in their countervailing recommendations of today to keep moving forward with plans to destroy those dams.

I agree with the bipartisan Governors' plan in many of its elements, including the principle that performance standards must be scientifically based, subject to scientific peer review, reasonably obtainable, and measurable. I agree with the Governors that the National Marine Fisheries Service should work together with local, State, and tribal governments and private landowners on what specific improvements are needed for recovery. I agree with the Governors that we need real leadership and that the President of the United States should appoint one official in the region who will be accountable and who will efficiently oversee Federal agency fish recovery efforts.

Over the past decade, we have squandered more than a billion dollars and commissioned dozens of studies that have done little to promote a consensus on how best to save salmon. The Governors and I agree that local salmon recovery plans that avoid Federal methods of duplication and top-down planning are a much more effective method of saving salmon. I agree with the Governors that States should move ahead to designate priority watersheds for salmon and steelhead plans that are to be developed within 1 year and that the Federal agencies should have clear numerical goals so that success may be measured in those watersheds.

The appropriations subcommittee of this Congress last year directed the National Marine Fisheries Service to provide numerical goals for all of the listed fish in the Puget Sound and Columbia River regions and a schedule for all other areas and to provide this information to Congress by July 1 of this year. Instead of fulfilling this request, those agencies have said they will not have any goals until the fall of 2001 and that they have only begun the technical recovery planning for any species of fish they seek to recover. In other words, once again the administration says what we ought to do without knowing what those steps are designed to accomplish.

I agree with the Governors and their recommendation that the Army Corps

of Engineers, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service must develop a long-term management plan to address predation by fish-eating birds and marine mammals, including seals and sea lions, and do so by the end of the year. I agree with the Governors that the National Marine Fisheries Service should work with the region to conduct an intensive study to address the role of the ocean in fish recovery and ask that the management of fish and fresh water reflect new information about the ocean as it is developed.

In short, I believe the Governors have a plan that will work. I have supported millions of dollars in salmon recovery money to be given to the States and to local volunteer groups and will work with them.

On the other hand, today the National Marine Fisheries Service has come out with its top-down recommendations, recommendations that, I want to point out, once again call for very specific measures and steps to be taken but do not state any goals for recovery and do not allow us to know what they believe success will be or how that success will be measured.

In the course of the last week or 10 days, the newspapers in the Pacific Northwest have been filled with statements that the Federal Government had abandoned the idea of dam removal as an element in salmon recovery at least for a decade. And the implication was that they had abandoned it forever.

Not so, Mr. President. What does the biological opinion that was issued today say in that respect?

It says:

The reasonable and prudent alternative requires that further development of breaches as an option is necessary, and it requires the Corps of Engineers by fiscal year 2002 to seek appropriations to complete preliminary engineering and design work by 2005 for potential removal of the four lower Snake River dams.

It does that in spite of the fact that:

There is considerable uncertainty in assessing the status of listed fish under current conditions, and the alternative of breaching dams is highly dependent on the degree to which there is delayed mortality associated with juvenile fish passage at the dams and whether breaching would help even to answer these uncertainties.

Well, we have a set of Federal agencies that have disagreed with one another. The Corps of Engineers, a year ago, reached the conclusion that dam removal was a poor idea. It did so in spite of vastly underestimating, according to the General Accounting Administration, the adverse impacts on the society, the economy, and the environment of the Pacific Northwest. That recommendation was deleted from its formal opinion by orders of the White House.

Vice President GORE has visited the State of Washington on three or four occasions during the course of this year. Each time he has been asked to state his opinion on dam removal, including a specific request by one of his supporters, the Governor of Oregon. He has ducked, dodged, and defied any attempt to get him to reach a conclusion on that particular subject. But I think this biological opinion released by the administration today shows what that opinion is. It is very simple: We will fool the people of the Pacific Northwest by saying we have probably abandoned the idea between now and the 8th of November, and then under these recommendations we can change our mind very rapidly when they won't have a direct say over who will manage the next national administration.

Contrast that position with the forthright and unconditional pledge of Governor Bush that the removal of our dams, the destruction of our physical infrastructure, is not an option; that we can and will recover the salmon resources in the Pacific Northwest by the use of our imaginations and by following the advice of the people whose lives are affected by these decisions—a view that I believe is entirely consistent with the recommendations this week of the four Governors—two Republicans and two Democrats, as I have already pointed out—from the Pacific Northwest itself.

Well, we do have something to say about this issue. I pledge I will do everything I can between now and the adjournment of this Congress in late September or early October to see to it this administration is not allowed to waste any more money—not a single dollar—on further studies to remove dams on the Columbia-Snake River system. We will call them to account for their own policies. Their own policies now say this decision should be moved down the road. Fine. We will move the whole decision down the road and hope that we will have a President who will be mindful of the views of the people of the Pacific Northwest and, in the meantime, we are not going to let them waste money to build a case for removing dams that ought to stay in place.

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

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

## BEND PINE NURSERY LAND CONVEYANCE ACT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 486, S. 1936.

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

The legislative clerk read as follows:

A bill (S. 1936) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Bend Pine Nursery Land Conveyance Act''.*

***SEC. 2. DEFINITIONS.***

*In this Act:*

*(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.*

*(2) STATE.—The term ''State'' means the State of Oregon.*

***SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.***

*(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:*

*(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled ''Bend Pine Nursery Administrative Site, May 13, 1999''.*

*(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled ''Shelter Cove Resort, November 3, 1997''.*

*(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 south, Range 10 East section 25 and Township 20 South, Range 11 East sections 8, 9, 16, 17, 20, and 21 consisting of approximately 1,260 acres, as depicted on map entitled ''Deschutes National Forest Isolated Parcels, January 1, 2000''.*

*(4) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled ''Alsea Administrative Site, May 14, 1999''.*

*(5) Tract E, Mapleton Administrative Site, consisting of approximately 8 acres, as depicted on site plan map entitled ''Mapleton Administrative Site, May 14, 1999''.*

*(6) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled ''Site Development Plan, Columbia Gorge Ranger Station, April 22, 1964''.*

*(7) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled ''Dale Compound, February 1999''.*

*(8) Tract H, Crescent Butte Site, consisting of approximately .8 acres, as depicted on site plan map entitled ''Crescent Butte Communication Site, January 1, 2000''.*

*(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.*

*(c) APPLICABLE LAW.—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.*

*(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).*

*(e) SOLICITATIONS OF OFFERS.—*

*(1) IN GENERAL.—Subject to paragraph (3), the Secretary may solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.*

*(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the*

*Secretary determines that the offer is not adequate or not in the public interest.*

*(3) RIGHT OF FIRST REFUSAL.—The Bend Metro Park and Recreation District in Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).*

*(f) REVOCATIONS.—*

*(1) IN GENERAL.—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.*

*(2) EFFECTIVE DATE.—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.*

***SEC. 4. DISPOSITION OF FUNDS.***

*(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').*

*(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—*

*(1) the acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest;*

*(2) the construction of a bunkhouse facility in the Umatilla National Forest; and*

*(3) to the extent the funds are not necessary to carry out paragraphs (1) and (2), the acquisition of land and interests in land in the State.*

*(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the ''Weeks Act'') and other laws (including regulations) pertaining to the National Forest System.*

***SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.***

*The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—*

*(1) funds made available under section 4(b); and*

*(2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.*

***SEC. 6. AUTHORIZATION OF APPROPRIATION.***

*There are authorized to be appropriated such sums as are necessary to carry out this Act.*

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 1936), as amended, was read the third time and passed.

## THE CALENDAR

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed, en bloc, to the following two bills, Calendar No. 633, S. 1894, and Calendar No. 635, S. 2421.

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

The legislative clerk read as follows:

A bill (S. 1894) to provide for the conveyance of certain land to Park County, Wyoming.

A bill (S. 2421) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, as amended, if amended, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

## CONVEYANCE OF LAND

The Senate proceeded to consider the bill (S. 1894) to provide for the conveyance of certain land to Park County, Wyoming, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike out all after the enacting clause and insert printed in italic.

***SECTION 1. CONVEYANCE OF LAND TO PARK COUNTY, WYOMING.***

*(a) FINDINGS.—Congress finds that—*

*(1) over eighty-two percent of the land in Park County, Wyoming, is owned by the Federal Government;*

*(2) the parcel of land described in subsection (d) located in Park County has been withdrawn from the public domain for reclamation purposes and is managed by the Bureau of Reclamation;*

*(3) the land has been subject to a withdrawal review, a level I contaminant survey, and historical, cultural, and archaeological resource surveys by the Bureau of Reclamation;*

*(4) the Bureau of Land Management has conducted a cadastral survey of the land and has determined that the land is no longer suitable for return to the public domain;*

*(5) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraphs (3) and (4); and*

*(6) the County has evinced an interest in using the land for the purposes of local economic development.*

*(b) DEFINITIONS.—In this Act:*

*(1) COUNTY.—The term ''County'' means Park County, Wyoming.*

*(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the General Services Administration.*

*(c) CONVEYANCE.—In consideration of payment of $240,000 to the Administrator by the County, the Administrator shall convey to the County all right, title, and interest of the United States in and to the parcel of land described in subsection (d).*

*(d) DESCRIPTION OF PROPERTY.—The parcel of land described in this subsection is the parcel located in the County comprising 190.12 acres, the legal description of which is as follows:*

*Sixth Principal Meridian, Park County, Wyoming*

| *T. 53 N., R. 101 W.* | *Acreage* |
|---|---|
| *Section 20, S½SE¼SW¼SE¼* | *5.00* |
| *Section 29, Lot 7* | *9.91* |
| *Lot 9* | *38.24* |
| *Lot 10* | *31.29* |
| *Lot 12* | *5.78* |
| *Lot 13* | *8.64* |
| *Lot 14* | *0.04* |
| *Lot 15* | *9.73* |
| *S½NE¼NE¼NW¼* | *5.00* |
| *SW¼NE¼NW¼* | *10.00* |
| *SE¼NW¼NW¼* | *10.00* |
| *NW¼SW¼NW¼* | *10.00* |
| *Tract 101* | *13.24* |
| *Section 30, Lot 31* | *16.95* |
| *Lot 32* | *16.30* |

*(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, leaseable coal, oil, or gas resources.*

*(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RIGHTS.—The conveyance under subsection (c) shall be subject to any land-use leases, easements, rights-of-way, or valid existing rights in existence as of the date of the conveyance.*

*(g) ENVIRONMENTAL LIABILITY.—As a condition of the conveyance under subsection (c), the United States shall comply with the provisions of section 9620(h) of title 42, United States Code.*

*(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.*

*(i) TREATMENT OF AMOUNTS RECEIVED.—The net proceeds received by the United States as payment under subsection (c) shall be deposited into the fund established in section 490(f) of title 40 of the United States Code, and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.*

The committee amendment was agreed to.

The bill (S. 1894), as amended, was read the third time and passed.

## UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA STUDY ACT OF 2000

The Senate proceeded to consider the bill (S. 2421) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts.

The bill was read the third time, and passed, as follows:

S. 2421

*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 ''Upper Housatonic Valley National Heritage Area Study Act of 2000''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''Study Area'' means the Upper Housatonic Valley National Heritage Area, comprised of—

(A) the part of the watershed of the Housatonic River, extending 60 miles from Lanesboro, Massachusetts, to Kent, Connecticut;

(B) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren, Connecticut; and

(C) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge, Massachusetts.

**SEC. 3. AUTHORIZATION OF STUDY.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall complete a study of the Study Area.

(b) INCLUSIONS.—The study shall determine, through appropriate analysis and documentation, whether the Study Area—

(1) includes an assemblage of natural, historical, and cultural resources that represent distinctive aspects of the heritage of the United States that—

(A) are worthy of recognition, conservation, interpretation, and continued use; and

(B) would best be managed—

(i) through partnerships among public and private entities; and

(ii) by combining diverse and, in some cases, noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to any theme of the Study Area that retains a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and State and local governments that—

(A) are involved in the planning of the Study Area;

(B) have developed a conceptual financial plan that outlines the roles of all participants for development and management of the Study Area, including the Federal Government; and

(C) have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a national heritage area consistent with continued State and local economic activity; and

(8) is depicted on a conceptual boundary map that is supported by the public.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) State historic preservation officers;

(2) State historical societies; and

(3) other appropriate organizations.

(d) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated $300,000 to carry out this Act.

## DESIGNATING WILSON CREEK AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the following bill, Calendar No. 638, H.R. 1749.

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

The legislative clerk read as follows:

A bill (H.R. 1749) to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bill be read the third time and passed, any title amendments be agreed to, as necessary, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1749) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

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

The legislative clerk read as follows:

A bill (S. 610) to direct the Secretary of the Interior to convey certain lands under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

A bill (S. 2279) to authorize the addition of land to Sequoia National Park, and for other purposes.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

## CONVEYANCE OF LAND IN WASHAKIE COUNTY AND BIG HORN COUNTY, WYOMING TO THE WESTSIDE IRRIGATION DISTRICT, WYOMING

The Senate proceeded to consider the bill (S. 610) to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes, which had been reported by the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert the part printed in italic:

***SECTION 1. CONVEYANCE.***

*(a) IN GENERAL.—On completion of an environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the ''Secretary''), shall convey to the Westside Irrigation District, Wyoming (referred to in this Act as ''Westside''), all right, title, and interest (excluding the mineral interest) of the United States in and to such portions of the Federal land in Big Horn County and Washakie County, Wyoming, described in subsection (c), as the district enters into an agreement with the Secretary to purchase.*

*(b) PRICE.—The price of the land conveyed under subsection (a) shall be equal to the appraised value of the land, as determined by the Secretary.*

*(c) LAND DESCRIPTION.—*

*(1) IN GENERAL.—The land referred to in subsection (a) is the approximately 16,500 acres of land in Big Horn County and Washakie County, Wyoming, as depicted on the map entitled ''Westside Project'' and dated May 9, 2000.*

*(2) ADJUSTMENT.—On agreement of the Secretary and Westside, acreage may be added to or subtracted from the land to be conveyed as necessary to satisfy any mitigation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*(d) USE OF PROCEEDS.—Proceeds of the sale of land under subsection (a) shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary of the Interior, without further Act of appropriation, for the acquisition of land and interests in land in the Worland District of the Bureau of Land Management in the State of Wyoming that will benefit public recreation, public access, fish and wildlife habitat, or cultural resources.*

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 610), as amended, was read the third time and passed.

## AUTHORIZING ADDITION OF LAND TO SEQUOIA NATIONAL PARK

The Senate proceeded to consider the bill (S. 2279) to authorize the addition of land to Sequoia National Park, and for other purposes, which was ordered to be engrossed for the third reading, read the third time, and passed, as follows:

S. 2279

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

**SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled ''Dillonwood'', numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—On acquisition of the land under subsection (a), the Secretary shall—

(1) add the land to Sequoia National Park;

(2) modify the boundaries of Sequoia National Park to include the land; and

(3) administer the land as part of Sequoia National Park in accordance with all applicable law (including regulations).

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following two bills: Calendar No. 634, S. 2352, and Calendar No. 666, S. 2020.

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

The legislative clerk read as follows:

A bill (S. 2352) to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System.

A bill (S. 2020) to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

## WEKIVA WILD AND SCENIC RIVER DESIGNATION ACT

The Senate proceeded to consider the bill (S. 2352) to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic River System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the part printed in italic.

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Wekiva Wild and Scenic River Designation Act''.*

***SEC. 2. FINDINGS.***

*Congress finds that—*

*(1) Public Law 104–311 authorized the study of the Wekiva River and the associated tributaries of Rock Springs Run and Seminole Creek (including Wekiwa Springs Run and the tributary of Black Water Creek that connects Seminole Creek to the Wekiva River) for potential inclusion in the National Wild and Scenic Rivers System;*

*(2) the study referred to in paragraph (1) determined that the Wekiva River and the associated tributaries of Wekiwa Springs Run, Rock Springs Run, Seminole Creek, and Black Water Creek downstream of Lake Norris to the confluence with the Wekiva River are eligible for inclusion in the National Wild and Scenic Rivers System based on the free-flowing condition and outstanding scenic, recreational, fishery, wildlife, historic, cultural, and water quality values of those waterways;*

*(3) the public support for designation of the Wekiva River as a component of the National Wild and Scenic Rivers System has been demonstrated through substantial attendance at public meetings, State and local agency support, and the support and endorsement of designation by the Wekiva River Basin Working Group that was established by the Department of Environmental Protection of the State of Florida and represents a broad cross section of State and local agencies, landowners, environmentalists, nonprofit organizations, and recreational users;*

*(4) the State of Florida has demonstrated a commitment to protect the Wekiva River—*

*(A) by enacting Florida Statutes chapter 369, the Wekiva River Protection Act;*

*(B) by establishing a riparian habitat wildlife protection zone and water quality protection zone administered by the St. Johns River Water Management District;*

*(C) by designating the Wekiva River as outstanding Florida waters; and*

*(D) by acquiring State preserve, reserve, and park land adjacent to the Wekiva River and associated tributaries;*

*(5) Lake, Seminole, and Orange Counties, Florida, have demonstrated their commitment to protect the Wekiva River and associated tributaries in the comprehensive land use plans and land development regulations of those counties; and*

*(6) the segments of the Wekiva River, Rock Springs Run, and Black Water Creek described in section 3, totaling approximately 41.6 miles, are in public ownership, protected by conservation easements, or defined as waters of the State of Florida.*

***SEC. 3. DESIGNATION.***

*Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:*

*''(162) WEKIVA RIVER, WEKIWA SPRINGS RUN, ROCK SPRINGS RUN, AND BLACK WATER CREEK, FLORIDA.—*

*''(A) The 41.6 miles of river tributary segments in Florida, as follows:*

*''(i) WEKIVA RIVER, FLORIDA.—The 14.9 miles of the Wekiva River, from its confluence with the St. Johns River to Wekiwa Springs, to be administered by the Secretary in the following classifications:*

*''(I) From the confluence with the St. Johns River to the southern boundary of the Lower Wekiva River State Preserve, approximately 4.4 miles, as a wild river.*

*''(II) From the southern boundary of the Lower Wekiva River State Preserve to the northern boundary of Rock Springs Run State Reserve at the Wekiva River, approximately 3.4 miles, as a recreational river.*

*''(III) From the northern boundary of Rock Springs Run State Reserve at the Wekiva River to the southern boundary of Rock Springs Run State Reserve at the Wekiva River, approximately 5.9 miles, as a wild river.*

*''(IV) From the southern boundary of Rock Springs Run State Reserve at the Wekiva River upstream along Wekiwa Springs Run to Wekiwa Springs, approximately 1.2 miles, as a recreational river.*

*''(ii) ROCK SPRINGS RUN, FLORIDA.—The 8.8 miles of Rock Springs Run, from its confluence with the Wekiwa Springs Run to its headwaters at Rock Springs, to be administered by the Secretary in the following classifications:*

*''(I) From the confluence with Wekiwa Springs Run to the western boundary of Rock Springs Run State Reserve at Rock Springs Run, approximately 6.9 miles, as a wild river.*

*''(II) From the western boundary of Rock Springs Run State Reserve at Rock Springs Run to Rock Springs, approximately 1.9 miles, as a recreational river.*

*''(iii) BLACK WATER CREEK, FLORIDA.—The 17.9 miles of Black Water Creek from its confluence with the Wekiva River to the outflow from Lake Norris, to be administered by the Secretary in the following classifications:*

*''(I) From the confluence with the Wekiva River to approximately .25 mile downstream of the Seminole State Forest road crossing, approximately 4.0 miles, as a wild river.*

*''(II) From approximately .25 mile downstream of the Seminole State Forest road to approximately .25 mile upstream of the Seminole State Forest road crossing, approximately .5 mile, as a scenic river.*

*''(III) From approximately .25 mile upstream of the Seminole State Forest road crossing to approximately .25 mile downstream of the old railroad grade crossing (approximately river mile 9), approximately 4.5 miles, as a wild river.*

*''(IV) From approximately .25 mile downstream of the old railroad grade crossing (approximately river mile 9) upstream to the boundary of Seminole State Forest (approximately river mile 10.6), approximately 1.6 miles, as a scenic river.*

*''(V) From the boundary of Seminole State Forest (approximately river mile 10.6) to approximately .25 mile downstream of the State Road 44 crossing, approximately .9 mile, as a wild river.*

*''(VI) From approximately .25 mile downstream of State Road 44 to approximately .25 mile upstream of the State Road 44A crossing, approximately .5 mile, as a recreational river.*

*''(VII) From approximately .25 mile upstream of the State Road 44A crossing to approximately .25 mile downstream of the Lake Norris Road crossing, approximately 4.8 miles, as a wild river.*

*''(VIII) From approximately .25 mile downstream of the Lake Norris Road crossing to the outflow from Lake Norris, approximately 1.1 miles, as a recreational river.*

***SEC. 4. SPECIAL REQUIREMENTS APPLICABLE TO WEKIVA RIVER AND TRIBUTARIES.***

*(a) DEFINITIONS.—As used in this Act:*

*(1) COMMITTEE.—The term ''Committee'' means the Wekiva River System Advisory Management Committee established pursuant to section 5.*

*(2) COMPREHENSIVE MANAGEMENT PLAN.—The terms ''comprehensive management plan'' and ''plan'' mean the comprehensive management plan to be developed pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).*

*(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.*

*(4) WEKIVA RIVER SYSTEM.—The term ''Wekiva River system'' means the segments of the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida designated as components of the National Wild and Scenic Rivers System by paragraph (161) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as added by this Act.*

*(b) COOPERATIVE AGREEMENT.—*

*(1) USE AUTHORIZED.—In order to provide for the long-term protection, preservation, and enhancement of the Wekiva River system, the Secretary shall offer to enter into cooperative agreements pursuant to sections 10(c) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c), 1282(b)(1)) with the State of Florida, appropriate local political jurisdictions of the State, namely the counties of Lake, Orange, and Seminole, and appropriate local planning and environmental organizations.*

*(2) EFFECT OF AGREEMENT.—Administration by the Secretary of the Wekiva River system through the use of cooperative agreements shall not constitute National Park Service administration of the Wekiva River system for purposes of section 10(c) of the Wild and Scenic Rivers Act (10 U.S.C. 1281(c)) and shall not cause the Wekiva River system to be considered as a unit of the National Park System. Publicly owned lands within the boundaries of the Wekiva River system shall continue to be managed by the agency having jurisdiction over the lands, in accordance with the statutory authority and mission of the agency.*

*(c) COMPLIANCE REVIEW.—After completion of the comprehensive management plan, the Secretary shall biennially review compliance with the plan and shall promptly report to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate any deviation from the plan that could result in any diminution of the values for which the Wekiva River system was designed as a component of the National Wild and Scenic Rivers System.*

*(d) TECHNICAL ASSISTANCE AND OTHER SUPPORT.—The Secretary may provide technical assistance, staff support, and funding to assist in the development and implementation of the comprehensive management plan.*

*(e) FUTURE DESIGNATION OF SEMINOLE CREEK.—If the Secretary finds that Seminole Creek in the State of Florida, from its headwaters at Seminole Springs to its confluence with Black Water Creek, is eligible for designation under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), and the owner of the property through which Seminole Creek runs notifies the Secretary of the owner's support for designation, the Secretary may designate that tributary as an additional component of the National Wild and Scenic Rivers System. The Secretary shall publish notice of the designation in the Federal Register, and the designation shall become effective on the date of publication.*

*(f) LIMITATION ON FEDERAL SUPPORT.—Nothing in this section shall be construed to authorize funding for land acquisition, facility development, or operations.*

***SEC. 5. WEKIVA RIVER SYSTEM ADVISORY MANAGEMENT COMMITTEE.***

*(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, to be known as the Wekiva River System Advisory Management Committee, to assist in the development of the comprehensive management plan for the Wekiva River system.*

*(b) MEMBERSHIP.—The Committee shall be composed of a representative of each of the following agencies and organizations:*

*(1) The Department of the Interior, represented by the Director of the National Park Service or the Director's designee.*

*(2) The East Central Florida Regional Planning Council.*

*(3) The Florida Department of Environmental Protection, Division of Recreation and Parks.*

*(4) The Florida Department of Environmental Protection, Wekiva River Aquatic Reserve.*

*(5) The Florida Department of Agriculture and Consumer Services, Division of Forestry, Seminole State Forest.*

*(6) The Florida Audobon Society.*

*(7) The nonprofit organization known as the Friends of the Wekiva.*

*(8) The Lake County Water Authority.*

*(9) The Lake County Planning Department.*

*(10) The Orange County Parks and Recreation Department, Kelly Park.*

*(11) The Seminole County Planning Department.*

*(12) The St. Johns River Water Management District.*

*(13) The Florida Fish and Wildlife Conservation Commission.*

*(14) The City of Altamonte Springs.*

*(15) The City of Longwood.*

*(16) The City of Apopka.*

*(17) The Florida Farm Bureau Federation.*

*(18) The Florida Forestry Association.*

*(c) ADDITIONAL MEMBERS.—Other interested parties may be added to the Committee by request to the Secretary and unanimous consent of the existing members.*

*(d) APPOINTMENTS.—Representatives and alternates to the Committee shall be appointed as follows:*

*(1) State agency representatives, by the head of the agency.*

*(2) County representatives, by the Board of County Commissioners.*

*(3) Water management district, by the Governing Board.*

*(4) Department of the Interior representative, by the Southeast Regional Director, National Park Service.*

*(5) East Central Florida Regional Planning Council, by Governing Board.*

*(6) Other organizations, by the Southeast Regional Director, National Park Service.*

*(e) ROLE OF COMMITTEE.—The Committee shall assist in the development of the comprehensive management plan for the Wekiva River system and provide advice to the Secretary in carrying out the management responsibilities of the Secretary under this Act. The Committee shall have an advisory role only, it will not have regulatory or land acquisition authority.*

*(f) VOTING AND COMMITTEE PROCEDURES.—Each member agency, agency division, or organization referred to in subsection (b) shall have 1 vote and provide 1 member and 1 alternate. Committee decisions and actions will be made with the consent of ¾ of all voting members. Additional necessary Committee procedures shall be developed as part of the comprehensive management plan.*

***SEC. 6. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated such sums as may be necessary to carry out this Act.* Amend the title so as to read: ''A bill to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the National Wild and Scenic Rivers System.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2352), as amended, was read the third time and passed.

## NATCHEZ TRACE PARKWAY, MISSISSIPPI

The Senate proceeded to consider the bill (S. 2020) to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes, which had been reported from the Committee on Energy and Natural Resources.

The bill was read the third time and passed as follows:

S. 2020

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

**SECTION 1. DEFINITIONS.**

In this Act:

(1) PARKWAY.—The term ''Parkway'' means the Natchez Trace Parkway, Mississippi.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

**SEC. 2. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.**

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled ''Alternative Alignments/Area'', numbered 604–20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled ''Emerald Mound Development Concept Plan'', numbered 604–20042E and dated August 1987.

(b) MAPS.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

**SEC. 3. AUTHORIZATION OF LEASING.**

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following two bills: Calendar No. 680, S. 2247, and Calendar No. 681, H.R. 940.

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

The legislative clerk read as follows:

A bill (S. 2247) to establish the Wheeling National Area in the State of West Virginia, and for other purposes.

A bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

## WHEELING NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (S. 2247) to establish the Wheeling National Area in the State of West Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(Omit the part in black brackets and insert the part printed in italic.)

S. 2247

*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 ''Wheeling National Heritage Area Act of 2000''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) the area in an around Wheeling, West Virginia, possesses important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce and industry, and Victorian culture in the United States;

(2) the City of Wheeling has played an important part in the settlement of this country by serving as—

(A) the western terminus of the National Road of the early 1800's;

(B) the ''Crossroads of America'' throughout the nineteenth century;

(C) one of the few major inland ports in the nineteenth century; and

(D) the site for the establishment of the Restored State of Virginia, and later the State of West Virginia, during the Civil War and as the first capital of the new State of West Virginia;

(3) the City of Wheeling has also played an important role in the industrial and commercial heritage of the United States, through the development and maintenance of many industries crucial to the Nation's expansion, including iron and steel, textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the national economy;

(4) the city of Wheeling has retained its national heritage themes with the designations of the old custom house (now Independence Hall) and the historic suspension bridge as National Historic Landmarks; with five historic districts; and many individual properties in the Wheeling area listed or eligible for nomination to the National Register of Historic Places;

(5) the heritage themes and number and diversity of Wheeling's remaining resources should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States; and

(6) in 1992 a comprehensive plan for the development and administration of the Wheeling National Heritage Area was completed for the National Park Service, the City of Wheeling, and the Wheeling National Task Force, including—

(A) an inventory of the national and cultural resources in the City of Wheeling;

(B) criteria for preserving and interpreting significant natural and historic resources;

(C) a strategy for the conservation, preservation, and reuse of the historical and cultural resources in the City of Wheeling and the surrounding region; and

(D) an implementation agenda by which the State of West Virginia and local governments can coordinate their resources as well as a complete description of the management entity responsible for implementing the comprehensive plan.

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

(1) to recognize the special importance of the history and development of the Wheeling area in the cultural heritage of the Nation;

(2) to provide a framework to assist the City of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of significant resources in the Wheeling area emblematic of Wheeling's contributions to the Nation's cultural heritage;

(3) to allow for limited Federal, State and local capital contributions for planning and infrastructure investments to complete the Wheeling National Heritage Area, in partnership with the State of West Virginia, the City of Wheeling, and other appropriate public and private entities; and

(4) to provide for an economically self-sustaining National Heritage Area not dependent on Federal financial assistance beyond the initial years necessary to establish the heritage area.

**SEC. 3. DEFINITIONS.**

As used in this Act—

(1) the term ''city'' means the City of Wheeling;

(2) the term ''heritage area'' means the Wheeling National Heritage Area established in section 4;

(3) the term ''plan'' means the ''Plan for the Wheeling National Heritage Area'' dated August, 1992;

(4) the term ''Secretary'' means the Secretary of the Interior; and

(5) the term ''State'' means the State of West Virginia.

**SEC. 4. WHEELING NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—In furtherance of the purposes of this Act, there is established in the State of West Virginia the Wheeling National Heritage Area, as generally depicted on the map entitled ''Boundary Map, Wheeling National Heritage Area, Wheeling, West Virginia'' and dated March, 1994. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) MANAGEMENT ENTITY.—(1) The management entity for the heritage area shall be the Wheeling National Heritage Corporation, a non-profit corporation chartered in the State of West Virginia.

(2) To the extent consistent with this Act, the management entity shall manage the heritage area in accordance with the plan.

**SEC. 5. DUTIES OF THE MANAGEMENT ENTITY.**

(a) MISSION.—The primary mission of the management entity shall be—

(A) to implement and coordinate the recommendations contained in the plan;

(B) ensure integrated operation of the heritage area; and

(C) conserve and interpret the historic and cultural resources of the heritage area.

(2) The management entity shall also direct and coordinate the diverse conservation, development, programming, educational, and interpretive activities within the heritage area.

(b) RECOGNITION OF PLAN.—The management entity shall work with the State of West Virginia and local governments to ensure that the plan is formally adopted by the City and recognized by the State.

(c) IMPLEMENTATION.—To the extent practicable, the management entity shall—

(1) implement the recommendations contained in the plan in a timely manner pursuant to the schedule identified in the plan—

(2) coordinate its activities with the City, the State, and the Secretary;

(3) ensure the conservation and interpretation of the heritage area's historical, cultural, and natural resources, including—

(A) assisting the City and the State in [a] the preservation of sites, buildings, and objects within the heritage area which are listed or eligible for listing on the National Register of Historic Places;

(B) assisting the City, the State, or a non-profit organization in the restoration of any historic building in the heritage area;

(C) increasing public awareness of and appreciation for the natural, cultural, and historic resources of the heritage area;

(D) assisting the State or City in designing, establishing, and maintaining appropriate interpretive facilities and exhibits in the heritage area;

(E) assisting in the enhancement of public awareness and appreciation for the historical, archaeological, and geologic resources and sites in the heritage area; and

(F) encouraging the City and other local governments to adopt land use policies consistent with the goals of the plan, and to take actions to implement those policies;

(4) encourage intergovernmental cooperation in the achievement of these objectives;

(5) develop recommendations for design standards within the heritage area; and

(6) seek to create public-private partnerships to finance projects and initiatives within the heritage area.

(d) AUTHORITIES.—The management entity may, for the purposes of implementing the plan, use Federal funds made available by this Act to—

(1) make [loans or] grants to the State, City, or other appropriate public or private organizations, entities, or persons;

(2) enter into cooperative agreements with, or provide technical assistance to Federal agencies, the State, City or other appropriate public or private organizations, entities, or persons;

(3) hire and compensate such staff as the management entity deems necessary;

(4) obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money;

(5) spend funds on promotion and marketing consistent with the resources and associated values of the heritage area in order to promote increased visitation; and

(6) [to] contract for goods and services.

(e) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2), the management entity may not acquire any real property or interest therein within the heritage area, other than the leasing of facilities.

(2)(A) Subject to subparagraph (B), the management entity may acquire real property, or an interest therein, within the heritage area by gift or devise, or by purchase from a willing seller with money which was donated, bequeathed, appropriated, or otherwise made available to the management entity on the condition that such money be used to purchase real property, or interest therein, within the heritage area.

(B) Any real property or interest therein acquired by the management entity pursuant to this paragraph shall be conveyed in perpetuity by the management entity to an appropriate public or private entity, as determined by the management entity. Any such conveyance shall be made as soon as practicable after acquisition, without consideration, and on the condition that the real property or interest therein so conveyed shall be used for public purposes.

*(f) REVISION OF PLAN.—Within 18 months after the date of enactment, the management entity shall submit to the Secretary a revised plan. Such revision shall include, but not be limited to—*

*(1) a review of the implementation agenda for the heritage area;*

*(2) projected capital costs; and*

*(3) plans for partnership initiatives and expansion of community support.*

**SEC. 6. DUTIES OF THE SECRETARY.**

(a) INTERPRETIVE SUPPORT.—The Secretary may, upon request of the management entity, provide appropriate interpretive, planning, educational, staffing, exhibits, and other material or support for the heritage area, consistent with the plan and as appropriate to the resources and associated values of the heritage area.

(b) TECHNICAL ASSISTANCE.—The Secretary [shall,] may upon request of the management entity and consistent with the plan, provide technical assistance to the management entity.

(c) COOPERATIVE AGREEMENTS, [LOANS] AND GRANTS.—The Secretary may, in consultation with the management entity and consistent with the management plan, make [loans and] grants to, and enter into cooperative agreements with the management entity, the State, City, non-profit organization or any person.

(d) PLAN AMENDMENTS.—No amendments to the plan may be made unless approved by the Secretary. The Secretary shall consult with the management entity in reviewing any proposed amendments.

**SEC. 7. DUTIES OF OTHER FEDERAL AGENCIES.**

Any Federal department, agency, or other entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the management entity with respect to such activities.

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act, and to the extent practicable, coordinate such activities directly with the duties of the Secretary and the management entity.

(3) to the extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the heritage area.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

[There is authorized to be appropriated such sums as may be necessary to carry out this Act.]

*(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Act for any fiscal year.*

*(b) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.*

***SEC. 9. SUNSET.***

*The Secretary may not make any grant or provide any assistance under this Act after September 30, 2015.*

The committee amendments were agreed to.

The bill (S. 2247), as amended, was read the third time and passed.

[The bill will appear in a future edition of the RECORD.]

## LACKAWANNA VALLEY NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an

amendment and an amendment to the title; as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

***TITLE I—LACKAWANNA VALLEY NATIONAL HERITAGE AREA***

***SECTION 101. SHORT TITLE.***

*This title may be cited as the ''Lackawanna Valley National Heritage Area Act of 2000''.*

***SEC. 102. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—Congress finds that—*

*(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;*

*(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;*

*(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;*

*(4) the labor movement of the region played a significant role in the development of the Nation, including—*

*(A) the formation of many major unions such as the United Mine Workers of America; and*

*(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;*

*(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and*

*(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and*

*(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).*

*(b) PURPOSES.—The purposes of the Lackawanna Valley National Heritage Area are—*

*(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and*

*(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).*

***SEC. 103. DEFINITIONS.***

*(1) HERITAGE AREA.—The term ''Heritage Area'' means the Lackawanna Valley Historical Heritage Area established by section 4.*

*(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area specified in section 4(c).*

*(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 6(b).*

*(4) PARTNER.—The term ''partner'' means—*

*(A) a Federal, State, or local governmental entity; and*

*(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.*

*(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.*

***SEC. 104. LACKAWANNA VALLEY NATIONAL HERITAGE AREA.***

*(a) ESTABLISHMENT.—There is established the Lackawanna Valley National Heritage Area.*

*(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.*

*(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.*

***SEC. 105. COMPACT.***

*(a) IN GENERAL.—To carry out this Title, the Secretary shall enter into a compact with the management entity.*

*(b) CONTENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the area, including—*

*(1) a delineation of the boundaries of the Heritage Area; and*

*(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.*

***SEC. 106. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.***

*(a) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this Title to hire and compensate staff.*

*(b) MANAGEMENT PLAN.—*

*(1) IN GENERAL.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.*

*(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—*

*(A) take into consideration State, county, and local plans;*

*(B) involve residents, public agencies, and private organizations working in the Heritage Area; and*

*(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.*

*(3) SPECIFICATION OF FUNDING SOURCES.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.*

*(4) OTHER REQUIRED ELEMENTS.—The management plan shall include the following:*

*(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.*

*(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.*

*(C) A program for implementation of the management plan by the management entity, including—*

*(i) plans for restoration and construction; and*

*(ii) specific commitments of the partners for the first 5 years of operation.*

*(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.*

*(E) An interpretation plan for the Heritage Area.*

*(5) SUBMISSION TO SECRETARY FOR APPROVAL.—*

*(A) IN GENERAL.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.*

*(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Title with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.*

*(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—*

*(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;*

*(2) assist units of government and nonprofit organizations in—*

*(A) establishing and maintaining interpretive exhibits in the Heritage Area;*

*(B) developing recreational resources in the Heritage Area;*

*(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and*

*(D) restoring historic buildings that relate to the purposes of the Heritage Area;*

*(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;*

*(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;*

*(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;*

*(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;*

*(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;*

*(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and*

*(9) for each year in which Federal funds have been received under this Title—*

*(A) submit a report to the Secretary that specifies—*

*(i) the accomplishments of the management entity; and*

*(ii) the expenses and income of the management entity;*

*(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and*

*(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.*

*(d) USE OF FEDERAL FUNDS.—*

*(1) FUNDS MADE AVAILABLE UNDER THIS TITLE.—The management entity shall not use Federal funds received under this Title to acquire real property or any interest in real property.*

*(2) FUNDS FROM OTHER SOURCES.—Nothing in this Title precludes the management entity from using Federal funds obtained through law other than this Title for any purpose for which the funds are authorized to be used.*

***SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.***

*(a) TECHNICAL AND FINANCIAL ASSISTANCE.—*

*(1) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.*

(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Title not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this Title shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

**SEC. 108. SUNSET PROVISION.**

The Secretary shall not provide any grant or other assistance under this Title after September 30, 2012.

**SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Title $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Title for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Title shall not exceed 50 percent.

## TITLE II—SCHUYLKILL RIVER VALLEY NATIONAL HERITAGE AREA

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Schuylkill River Valley National Heritage Area Act.''

**SEC. 202. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) the Schuylkill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;

(2) the Schuylkill River is distinctive as the first spine of modern industrial development in Pennsylvania and 1 of the first in the United States;

(3) the Schuylkill River Valley played a significant role in the struggle for nationhood;

(4) the Schuylkill River Valley developed a prosperous and productive agricultural economy that survives today;

(5) the Schuylkill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies;

(6) the Schuylkill River Valley developed into a significant anthracite mining region that continues to thrive today;

(7) the Schuylkill River Valley developed early transportation systems, including the Schuylkill Canal and the Reading Railroad;

(8) the Schuylkill River Valley developed a significant industrial base, including textile mills and iron works;

(9) there is a longstanding commitment to—

(A) repairing the environmental damage to the river and its surrounding caused by the largely unregulated industrial activity; and

(B) completing the Schuylkill River Trail along the 128-mile corridor of the Schuylkill Valley;

(10) there is a need to provide assistance for the preservation and promotion of the significance of the Schuylkill River as a system for transportation, agriculture, industry, commerce, and immigration; and

(11)(A) the Department of the Interior is responsible for protecting the Nation's cultural and historical resources; and

(B) there are significant examples of such resources within the Schuylkill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuylkill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

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

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuylkill River Valley of southeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.

**SEC. 203. DEFINITIONS.**

In this title:

(1) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means the cooperative agreement entered into under section 204(d).

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Schuylkill River Valley National Heritage Area established by section 204.

(3) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity of the Heritage Area appointed under section 204(c).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 205.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Pennsylvania.

**SEC. 204. ESTABLISHMENT.**

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.

(d) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity.

(2) CONTENTS.—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—

(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;

(B) an identification and description of the management entity that will administer the Heritage Area; and

(C) a description of the role of the State.

**SEC. 205. MANAGEMENT PLAN.**

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) take into consideration State, county, and local plans;

(2) involve residents, public agencies, and private organizations working in the Heritage Area;

(3) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and

(4) include—

(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the management entity;

(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(F) an interpretation plan for the Heritage Area.

(c) DISQUALIFICATION FROM FUNDING.—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of enactment of this title, the Heritage Area shall be ineligible to receive Federal funding under this title until the date on which the Secretary receives the management plan.

(d) UPDATE OF PLAN.—In lieu of developing an original management plan, the management entity may update and submit to the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.

**SEC. 206. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

(2) hire and compensate staff.

(b) DUTIES OF THE MANAGEMENT ENTITY.—The management entity shall—

(1) develop and submit the management plan under section 205;

(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) preserving the Heritage Area;

*(ii) establishing and maintaining interpretive exhibits in the Heritage Area;*

*(iii) developing recreational resources in the Heritage Area;*

*(iv) increasing public awareness of and, appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;*

*(v) restoring historic buildings relating to the themes of the Heritage Area; and*

*(vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;*

*(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and*

*(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;*

*(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;*

*(4) conduct public meetings at least quarterly regarding the implementation of the management plan;*

*(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the approval of the Secretary; and*

*(6) for any fiscal year in which Federal funds are received under this title—*

*(A) submit to the Secretary a report describing—*

*(i) the accomplishments of the management entity;*

*(ii) the expenses and income of the management entity; and*

*(iii) each entity to which the management entity made any grant during the fiscal year;*

*(B) make available for audit all records pertaining to the expenditure of Federal funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds; and*

*(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of Federal funds.*

*(c) USE OF FEDERAL FUNDS.—*

*(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.*

*(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for their permittee purposes.*

*(d) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.*

***SEC. 207. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.***

*(a) TECHNICAL AND FINANCIAL ASSISTANCE.—*

*(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.*

*(2) PRIORITIES.—In assisting the management entity, the Secretary shall give priority to actions that assist in—*

*(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and*

*(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.*

*(b) APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.—*

*(1) IN GENERAL.—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this title, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan.*

*(2) MANAGEMENT PLAN CONTENTS.—In reviewing the plan, the Secretary shall consider whether the composition of the management entity and the plan adequately reflect diverse interest of the region, including those of—*

*(A) local elected officials,*

*(B) the State,*

*(C) business and industry groups,*

*(D) organizations interested in the protection of natural and cultural resources, and*

*(E) other community organizations and individual stakeholders.*

*(3) ACTION FOLLOWING DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall—*

*(i) advise the management entity in writing of the reasons for the disapproval; and*

*(ii) make recommendations for revisions in the cooperative agreement of plan.*

*(B) TIME PERIOD FOR DISAPPROVAL.—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.*

*(c) APPROVAL OF AMENDMENTS.—*

*(1) IN GENERAL.—The Secretary shall review and approve substantial amendments to the management plan.*

*(2) FUNDING EXPENDITURE LIMITATION.—Funds appropriated under this title may not be expended to implement any substantial amendment until the Secretary approves the amendment.*

***SEC. 208. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.***

*(a) IN GENERAL.—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.*

*(b) FUNDING.—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.*

***SEC. 209. SUNSET.***

*The Secretary may not make any grant or provide any assistance under this title after the date that is 15 years after the date of enactment of this title.*

***SEC. 210. AUTHORIZATION OF APPROPRIATIONS.***

*(a) IN GENERAL.—There are authorized to be appropriated to carry out this title not more than $10,000,000, of which not more than $1,000,000 is authorized to be appropriated for any 1 fiscal year.*

*(b) FEDERAL SHARE.—Federal funding provided under this title may not exceed 50 percent of the total cost of any project or activity funded under this title.*

Amend the title so as to read: ''To designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes.''.

The committee amendment was agreed to.

The bill (H.R. 940), as amended, was read the third time and passed.

## LONG-TERM CARE SECURITY ACT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 4040.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendments of the Senate to the bill (H.R. 4040) entitled ''An Act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes'', with the following amendments:

**(1)** Page 2, line 7, strike **[**and**]**.

**(2)** Page 2, line 9, strike the comma and insert: *; and*

**(3)** Page 2, after line 9, insert the following:

*''(C) an individual employed by the Tennessee Valley Authority,*

**(4)** Page 29, line 18, after ''limit'' insert: *under title 5, United States Code,*

**(5)** Page 42, line 1, after ''limit'' insert: *under title 5, United States Code,*

**(6)** Page 50, strike line 3 and all that follows through ''Office'' in line 5, and insert the following:

*(c) PAYMENT RELATING TO OASDI EMPLOYEE TAXES.—The Office*

(and run-in the remaining text of paragraph (1)).

**(7)** Page 50, strike lines 16 through 19.

**(8)** Page 51, strike lines 7 through 19.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

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

## BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 673, S. 2386.

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

The legislative clerk read as follows:

A bill (S. 2386) to extend a Stamp Out Breast Cancer Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I am pleased that today the Senate is taking up, as an amendment to the reauthorization of the Breast Cancer Research Stamp, the Semipostal Act, an amendment I sponsored with Senators FEINSTEIN and HUTCHISON.

My amendment is very similar to the McHugh bill that we sent to the President yesterday, which establishes the authority to issue semipostals in the U.S. Postal Service. However, it is different in that it requires the Postal Service to recoup the full costs associated with the stamp. This bill will ensure that the Postal Service recovers its costs before funds are made available to the agency to carry out the designated program. We do not want the Postal Service using its own budget to fund contributions to causes designated by semipostals. Only the true net profit from the sale of the semipostals will be made available to

the appropriate agency. This bill also gives the Congress the power to reject a stamp proposal chosen by the Postal Service, if for example, the stamp subject is deemed inappropriate.

Mr. President, I am pleased that we are giving the authority to issue semipostal stamps to the Postal Service, which is where these decisions belong.

AMENDMENT NO. 4029

(Purpose: To grant the United States Postal Service the authority to issue semipostal stamps, and for other purposes)

Mr. SMITH of Oregon. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH of Oregon], for Mr. LEVIN, for himself, Mrs. FEINSTEIN, and Mrs. HUTCHISON, proposes an amendment numbered 4029.

Mr. SMITH of Oregon. 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 Oregon. Mr. President, I ask unanimous consent that the Levin amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4029) was agreed to.

The bill (S. 2386), as amended, was read the third time and passed.

[The bill will be printed in a future edition of the RECORD.]

## CORRECTING THE ENROLLMENT OF S. 1809

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 133, submitted earlier by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 133) to correct the enrollment of S. 1809.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The concurrent resolution (S. Con. Res. 133) was agreed to, as follows:

S. CON. RES. 133

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of the Senate, in the enrollment of the bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, shall make the following corrections:

(1) Strike ''1999'' each place it appears (other than in section 101(a)(2)) and insert ''2000''.

(2) In section 101(a)(2), strike ''are'' and insert ''were''.

(3) In section 104(a)—

(A) in paragraphs (1), (3)(C), and (4), strike ''2000'' each place it appears and insert ''2001''; and

(B) in paragraph (4), strike ''fiscal year 2001'' and insert ''fiscal year 2002'.'

(4) In section 124(c)(4)(B)(i), strike ''2001'' and insert ''2002''.

(5) In section 125(c)—

(A) in paragraph (5)(H), strike ''assess'' and insert ''access''; and

(B) in paragraph (7), strike ''2001'' and insert ''2002''.

(6) In section 129(a)—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(7) Is section 144(e), strike ''2001'' and insert ''2002''.

(8) In section 145—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(9) In section 156—

(A) in subsection (a)(1)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''; and

(B) in subsection (b), strike ''2000'' each place it appears and insert ''2001''.

(10) In section 163—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(11) In section 212, strike ''2000 through 2006'' and insert ''2001 through 2007''.

(12) In section 305—

(A) in subsection (a)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''; and

(B) in subsection (b)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 and 2002'' and insert ''fiscal years 2002 and 2003''.

## PAUL D. COVERDELL FELLOWSHIP PROGRAM

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 2998 introduced earlier today by Senator HUTCHISON and others.

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

The legislative clerk read as follows:

A bill (S. 2998) to designate a Fellowship Program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the Paul D. Coverdell Fellowship Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2998) was read the third time, and passed, as follows:

S. 2998

*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 ''Paul D. Coverdell Fellows Program Act of 2000''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the George State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) Paul D. Coverdell served with distinction as the 11th Director of the Peace Corps from 1989 to 1991, where he promoted a fellowship program that was composed of returning Peace Corps volunteers who agreed to work in underserved American communities while they pursued educational degrees.

(3) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 17, 2000.

(4) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

**SEC. 3. DESIGNATION OF PAUL D. COVERDELL FELLOWS PROGRAM.**

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the ''Peace Corps Fellows/USA Program'' is redesignated as the ''Paul D. Coverdell Fellows Program''.

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps Fellows/USA Program shall, on and after such date, be considered to refer to the Paul D. Coverdell Fellows Program.

## SETTLEMENT OF WATER RIGHTS CLAIMS OF THE SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3291.

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

The legislative clerk read as follows:

A bill (H.R. 3291) to provide for the settlement of water rights claims of the Shivwits Band of the Paiute Tribe of Utah, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, today the Senate will pass the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act and send this legislation to the President. This is an important day for the citizens of Washington County, Utah, and the members of the Shivwits Band. This legislation will finally provide a settlement of water rights issues of the Santa Clara

River in Washington County, the driest county in the second driest state in the Union.

The Santa Clara is a fairly small river running through the Shivwits Band's reservation near the city of St. George, Utah. This water is shared by the Washington County, the Washington County Water Conservancy District, St. George, the town of Ivins, the town of Santa Clara, and the Shivwits Band. Last, but not least, Mr. President, this water is also used by the Virgin Spinedace, an endangered fish species residing in the river. This water settlement meets the needs of all of these interested parties.

This legislation will also establish the St. George Water Reuse Project. This project will provide 2,000 acre-feet of water for the Shivwits Band. It will also create the Santa Clara Project. This project will provide a pressurized pipeline from the nearby Gunlock Reservoir to deliver 1,900 acre-feet of water to the Shivwits Band.

I was pleased to be the sponsor of this bill in the Senate, and I would like to express my deep appreciation to Chairman CAMPBELL and Vice Chairman INOUYE of the Senate Indian Affairs Committee for their outstanding support for this legislation. Without their help and the help of their staffs, this legislation would not have progressed as smoothly as it has. I also express my appreciation to my good friend, Senator BENNETT, a cosponsor of this bill, for his support.

Finally, however, I want to give due credit to the Administration, the local officials of Washington County, and the members of the Shivwits Band for constructing this agreement. I am a firm believer in a collaborative process and the inclusion of local officials and citizens in it. I believe that legislation—both before and after passage—can be far more successful than when local input is missing from a bill's development.

Again, I want to thank all Senators for their support of this legislation.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3291) was read the third time and passed.

## DONALD J. MITCHELL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H.R. 1982, and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1982) to name the Department of Veterans Affairs outpatient clinics located at 125 Brookley Drive, Rome, New York as the ''Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic.''

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1982) was read the third time and passed.

## 25TH ANNIVERSARY OF HELSINKI FINAL ACT

Mr. SMITH of Oregon. Mr. President I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 697, S.J. Res. 48.

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

The legislative clerk read as follows:

A joint resolution (S.J. Res. 48) calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SMITH of Oregon. I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 48) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 48

Whereas August 1, 2000, is the 25th anniversary of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), renamed the Organization for Security and Cooperation in Europe (OSCE) in January 1995 (in this joint resolution referred to as the ''Helsinki Final Act'');

Whereas the Helsinki Final Act, for the first time in the history of international agreements, accorded human rights the status of a fundamental principle in regulating international relations;

Whereas during the Communist era, members of nongovernmental organizations, such as the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Georgia, and Armenia and similar groups in Czechoslovakia and Poland, sacrificed their personal freedom and even their lives in their courageous and vocal support for the principles enshrined in the Helsinki Final Act;

Whereas the United States Congress contributed to advancing the aims of the Helsinki Final Act by creating the Commission on Security and Cooperation in Europe to monitor and encourage compliance with provisions of the Helsinki Final Act;

Whereas in the 1990 Charter of Paris for a New Europe, the participating states declared, ''Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government'';

Whereas in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating states ''categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned'';

Whereas in the 1990 Charter of Paris for a New Europe, the participating states committed themselves ''to build, consolidate and strengthen democracy as the only system of government of our nations'';

Whereas the 1999 Istanbul Charter for European Security and Istanbul Summit Declaration note the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, strengthening efforts to combat corruption, eradicating torture, reinforcing efforts to end discrimination against Roma and Sinti, and promoting democracy and respect for human rights in Serbia;

Whereas the main challenge facing the participating states remains the implementation of the principles and commitments contained in the Helsinki Final Act and other OSCE documents adopted on the basis of consensus;

Whereas the participating states have recognized that economic liberty, social justice, and environmental responsibility are indispensable for prosperity;

Whereas the participating states have committed themselves to promote economic reforms through enhanced transparency for economic activity with the aim of advancing the principles of market economies;

Whereas the participating states have stressed the importance of respect for the rule of law and of vigorous efforts to fight organized crime and corruption, which constitute a great threat to economic reform and prosperity;

Whereas OSCE has expanded the scope and substance of its efforts, undertaking a variety of preventive diplomacy initiatives designed to prevent, manage, and resolve conflict within and among the participating states;

Whereas the politico-military aspects of security remain vital to the interests of the participating states and constitute a core element of OSCE's concept of comprehensive security;

Whereas the OSCE has played an increasingly active role in civilian police-related activities, including training, as an integral part of OSCE's efforts in conflict prevention, crisis management, and post-conflict rehabilitation; and

Whereas the participating states bear primary responsibility for raising violations of the Helsinki Final Act and other OSCE documents: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress calls upon the President to—

(1) issue a proclamation—

(A) recognizing the 25th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe;

(B) reasserting the commitment of the United States to full implementation of the Helsinki Final Act;

(C) urging all signatory states to abide by their obligations under the Helsinki Final Act; and

(D) encouraging the people of the United States to join the President and the Congress in observance of this anniversary with

appropriate programs, ceremonies, and activities; and

(2) convey to all signatory states of the Helsinki Final Act that respect for human rights and fundamental freedoms, democratic principles, economic liberty, and the implementation of related commitments continue to be vital elements in promoting a new era of democracy, peace, and unity in the region covered by the Organization for Security and Cooperation in Europe.

## CONDEMNING PREJUDICE AGAINST ASIANS AND PACIFIC ISLAND ANCESTRY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 698, S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S Con. Res. 53) condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on the Judiciary, with an amendment to the preamble, and an amendment to the title; as follows:

(Strike out all after the enacting clause and the preamble and insert the part printed in italic)

*Whereas the belief that all persons have the right to life, liberty, and the pursuit of happiness is a truth that individuals in the United States hold as self-evident;*

*Whereas all individuals in the United States are entitled to the equal protection of law;*

*Whereas individuals of Asian and Pacific Island ancestry have made profound contributions to life in the United States, including the arts, the economy, education, the sciences, technology, politics, and sports, among other areas;*

*Whereas individuals of Asian and Pacific Island ancestry have demonstrated their patriotism by honorably serving to defend the United States in times of armed conflict, from the Civil War to the present;*

*Whereas recent allegations of espionage and illegal campaign financing involve allegations of misconduct by certain individuals, such allegations should not result in questioning the loyalty and probity of individuals of the same or similar ancestry in the United States, simply due to such ancestry; and*

*Whereas individuals of Asian and Pacific Island ancestry have suffered discrimination and unfounded accusations of disloyalty throughout the history of the United States, resulting in discriminatory laws, including the former Act of May 6, 1882 (22 Stat. 58, chapter 126) (often referred to as the ''Chinese Exclusion Act'') and a 1913 California law relating to alien-owned land, and discriminatory actions, including internment of patriotic and loyal individuals of Japanese ancestry during the Second World War, the repatriation of Filipino immigrants, and the prohibition of individuals of Asian and Pacific Island ancestry from owning property, voting, testifying in court, or attending school with other people in the United States: Now, therefore be it*

*Resolved by the Senate (the House of Representatives concurring), That—*

*(1) Congress condemns all prejudice against individuals of Asian and Pacific Island ancestry in the United States; and*

*(2) it is the sense of Congress that—*

*(A) no individual in the United States should stereotype or generalize the actions of an individual to an entire group of people;*

*(B) individuals of Asian and Pacific Island ancestry in the United States are entitled to all due process rights and privileges afforded to all individuals in the United States; and*

*(C) all executive agencies should act within their respective jurisdictions in accordance with existing civil rights laws.*

Amend the title to read as follows: ''Condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States.''.

Mr. SMITH of Oregon. I ask unanimous consent that the substitute amendment, the concurrent resolution, the amendment to the preamble, the preamble, and the amendment to the title be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The amendment was agreed to.

The resolution (S. Con. Res. 53), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 53

Whereas the belief that all persons have the right to life, liberty, and the pursuit of happiness is a truth that individuals in the United States hold as self-evident;

Whereas all individuals in the United States are entitled to the equal protection of law;

Whereas individuals of Asian and Pacific Island ancestry have made profound contributions to life in the United States, including the arts, the economy, education, the sciences, technology, politics, and sports, among other areas;

Whereas individuals of Asian and Pacific Island ancestry have demonstrated their patriotism by honorably serving to defend the United States in times of armed conflict, from the Civil War to the present;

Whereas recent allegations of espionage and illegal campaign financing involve allegations of misconduct by certain individuals, such allegations should not result in questioning the loyalty and probity of individuals of the same or similar ancestry in the United States, simply due to such ancestry; and

Whereas individuals of Asian and Pacific Island ancestry have suffered discrimination and unfounded accusations of disloyalty throughout the history of the United States, resulting in discriminatory laws, including the former Act of May 6, 1882 (22 Stat. 58, chapter 126) (often referred to as the ''Chinese Exclusion Act'') and a 1913 California law relating to alien-owned land, and discriminatory actions, including internment of patriotic and loyal individuals of Japanese ancestry during the Second World War, the repatriation of Filipino immigrants, and the prohibition of individuals of Asian and Pacific Island ancestry from owning property, voting, testifying in court, or attending school with other people in the United States: Now, therefore be it

*Resolved by the Senate (the House of Representatives concurring),* That—

(1) Congress condemns all prejudice against individuals of Asian and Pacific Island ancestry in the United States; and

(2) it is the sense of Congress that—

(A) no individual in the United States should stereotype or generalize the actions of an individual to an entire group of people;

(B) individuals of Asian and Pacific Island ancestry in the United States are entitled to all due process rights and privileges afforded to all individuals in the United States; and

(C) all executive agencies should act within their respective jurisdictions in accordance with existing civil rights laws.

The title was amended so as to read: ''Condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States.''

## NATIONAL AIRBORNE DAY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 301 and that the Senate then proceed to its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 301) designating August 16, 2000, as ''National Airborne Day.''

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. SMITH of Oregon. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 301) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 301

Whereas the Parachute Test Platoon was authorized by the War Department on June 25, 1940, to experiment with the potential use of airborne troops;

Whereas the Parachute Test Platoon was composed of 48 volunteers that began training in July, 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving from World War II until the present;

Whereas the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions and the numerous other regimental and battalion-sized airborne units were organized following the success of the Parachute Test Platoon;

Whereas the 501st Parachute Battalion participated successfully and valiantly in achieving victory in World War II;

Whereas the airborne achievements during World War II provided the basis for continuing the development of a diversified force of parachute and air assault troops;

Whereas paratroopers, glidermen, and air assault troops of the United States were and are proud members of the world's most exclusive and honorable fraternity, have earned and wear the ''Silver Wings of Courage'', have participated in a total of 93 combat jumps, and have distinguished themselves in battle by earning 69 Congressional Medals of Honor, the highest military decoration of the United States, and hundreds of

Distinguished Service Crosses and Silver Stars;

Whereas these airborne forces have performed in important military and peacekeeping operations, wherever needed, in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia; and

Whereas the Senate joins together with the airborne community to celebrate August 16, 2000 (the 60th anniversary of the first official parachute jump by the Parachute Test Platoon), as ''National Airborne Day'': Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 16, 2000, as ''National Airborne Day''; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

## NATIONAL RELATIVES AS PARENTS DAY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 212, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 212) to designate August 1, 2000, as National Relatives As Parents Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of Oregon. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 212) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 212

Whereas children are this Nation's most valuable resource;

Whereas the most important responsibility for this Nation's lawmakers and citizens is the protection and care of children;

Whereas in order to ensure the future success of this Nation, children must be taught values that will help them lead happy, healthy, and productive lives;

Whereas the family unit is most suitable to provide the special care and attention needed by children;

Whereas this year, many children will suffer from child abuse, neglect, poor nutrition, and insufficient child care, all of which jeopardize the well-being of young children and the opportunity for a fulfilling and successful adulthood;

Whereas extended family members, willing to open their hearts and homes to children whose immediate families are in crises, play an indispensable role in helping those children heal by providing them with a stable and secure environment in which they can grow and develop;

Whereas approximately 520,000 children are currently under the care and guidance of foster parents—about 150,800, or 29 percent, of whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas ''National Relatives as Parents Day'' is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 1, 2000, as ''National Relatives as Parents Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe ''National Relatives as Parents Day'' with appropriate ceremonies and activities.

## SUPPORTING RELIGIOUS TOLERANCE TOWARD MUSLIMS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 699, S. Res. 133.

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

The legislative clerk read as follows:

A resolution (S. Res. 133) supporting religious tolerance toward Muslims.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JOHNSON. Mr. President, I am pleased to cosponsor S. Res. 133, a resolution supporting religious tolerance toward Muslims. I wholeheartedly believe that anti-Muslim intolerance and discrimination should be condemned and must be fought at every opportunity. As Americans, we enjoy the right to speak and think freely. With that right comes a responsibility to ensure that free speech does not foster intolerance and lead to an atmosphere of hatred or fear. It is wrong when entire religions are made to be a scapegoat because of ignorance or spite, and I will continue to do all I can to promote thoughtful understanding and appreciation of the Muslim faith.

I am proud of the accomplishments and contributions made by Muslims in South Dakota and across America. I am hopeful that the Senate and entire Congress will approve this resolution in order to highlight the important role Muslim Americans play in our society.

Mr. SMITH of Oregon. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 133) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 133

Whereas the American Muslim community, comprised of approximately 6,000,000 people, is a vital part of our Nation, with more than 1,500 mosques, Islamic schools, and Islamic centers in neighborhoods across the United States;

Whereas Islam is one of the great Abrahamic faiths, whose significant contributions throughout history have advanced the fields of math, science, medicine, law, philosophy, art, and literature;

Whereas the United States is a secular nation, with an unprecedented commitment to religious tolerance and pluralism, where the rights, liberties, and freedoms guaranteed by the Constitution are guaranteed to all citizens regardless of religious affiliation;

Whereas Muslims have been subjected, simply because of their faith, to acts of discrimination and harassment that all too often have led to hate-inspired violence, as was the case during the rush to judgment in the aftermath of the tragic Oklahoma City bombing;

Whereas discrimination against Muslims intimidates American Muslims and may prevent Muslims from freely expressing their opinions and exercising their religious beliefs as guaranteed by the first amendment to the Constitution;

Whereas American Muslims have regrettably been portrayed in a negative light in some discussions of policy issues such as issues relating to religious persecution abroad or fighting terrorism in the United States;

Whereas stereotypes and anti-Muslim rhetoric have also contributed to a backlash against Muslims in some neighborhoods across the United States; and

Whereas all persons in the United States who espouse and adhere to the values of the founders of our Nation should help in the fight against bias, bigotry, and intolerance in all their forms and from all their sources: Now, therefore, be it

*Resolved*, That—

(1) the Senate condemns anti-Muslim intolerance and discrimination as wholly inconsistent with the American values of religious tolerance and pluralism;

(2) while the Senate respects and upholds the right of individuals to free speech, the Senate acknowledges that individuals and organizations that foster such intolerance create an atmosphere of hatred and fear that divides the Nation;

(3) the Senate resolves to uphold a level of political discourse that does not involve making a scapegoat of an entire religion or drawing political conclusions on the basis of religious doctrine; and

(4) the Senate recognizes the contributions of American Muslims, who are followers of one of the three major monotheistic religions of the world and one of the fastest growing faiths in the United States.

## PARITY AMONG THE PARTIES TO THE NORTH AMERICAN FREE TRADE AGREEMENT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Finance Committee be discharged from further consideration of S. Res. 333, and the Senate then proceed to its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 333) expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, any statements be printed in the RECORD.

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

The resolution (S. Res. 333) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 333

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas a United States citizen traveling to Canada or Mexico for less than 24 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to $400 worth of merchandise;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance of only $50 worth of merchandise for a 24-hour visit, the equivalent of $200 worth of merchandise for a 48-hour visit, and the equivalent of $750 worth of merchandise for a visit of over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity by harmonizing the personal exemption allowance structure of the 3 NAFTA countries at or above United States exemption levels; and

(2) in the event that parity with respect to the personal exemption allowance of the 3 countries is not reached within 1 year after the date of the adoption of this resolution, the United States Trade Representative and the Secretary of the Treasury should submit recommendations to Congress on whether legislative changes are necessary to lower the United States personal exemption allowance to conform to the allowance levels established in the other countries that are parties to the North American Free Trade Agreement.

## RECOGNIZING THE UNIVERSITY OF SAN FRANCISCO DONS FOOTBALL TEAM

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 346, introduced earlier today, recognizing the achievement of the 1951 University of San Francisco Dons football team and acknowledging the wrongful treatment endured by the team.

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

The legislative clerk read as follows:

A resolution (S. Res. 346) acknowledging that the undefeated and untied 1951 University of San Francisco Dons football team suffered a grave injustice by not being invited to any post-season Bowl game due to racial prejudice that prevailed at the time and seeking appropriate recognition for the surviving members of the championship team.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, this past week, our nation and the world have been privileged to witness two dramatic triumphs by American athletes. Lance Armstrong won his second consecutive Tour de France, and Tiger Woods became the youngest person ever to capture golf's Grand Slam by winning the British Open. These are truly historic achievements. Both men are deserving of all the praise and congratulations they are receiving, not only for their exceptional performances, but also for the dignified way they have represented their country and respective sports.

With the example of these modern day champions in mind, today I am introducing a resolution to honor a similarly outstanding group of athletes from years ago.

The 1951 University of San Francisco football team, the Dons, went undefeated and untied. By almost any account, the Dons were among the most gifted college football teams ever. Ten of the team's players were drafted by the NFL. Of these, eight actually played professionally. Of these, five played in a least one Pro Bowl. And of these five, three, Bob St. Clair, Ollie Matson and Gino Marchetti, were inducted into the Professional Football Hall of Fame.

But despite the team's irrefutable ability and qualifications, the Dons were not invited to participate in any post season bowl games. The reason why the players and coaches were denied this once-in-a-lifetime opportunity to prove themselves as a team before a national audience is as simple as it is tragic. Two of the Dons' players Ollie Matson and Burl Toler, were African-American.

In 1951, it would have been expected of a team with the Dons record to compete for the national championship in the Orange Bowl. When an invitation to this bowl did not materialize, everyone knew why. At this time the unwritten but well understood rule was that bowl games were strictly off limits to teams with African American players.

Although the Dons were not invited to play in the Orange Bowl, they did receive an invitation to participate in another bowl game, The only hitch was that they would have to play without their two teammates. To their enduring credit, the team did not think twice about standing by Ollie and Burl and emphatically rejected the offfer.

Refusing this offer was a heroic act, but not the only one for this team. Several members of the squad fought in WWII and in the Korean War.

Considered perhaps the best player on the team, Burl Toler suffered an injury during a college All Star game which prevented him from joining the NFL as a player. Instead, he went back to school, received his master's degree, became the City of San Francisco's first black secondary school principal, and later the director of services for the San Francisco Community College District. He did this while also serving for 25 years as one of the NFL's most respected referees. In fact, Burl Toler was the NFL's first black official, a position offered to him by a fellow classmate at USF, former NFL Commissioner Pete Rozelle.

Now almost 50 years later, I hope my colleagues will agree that it is entirely appropriate that this truly special collection of athletes receive the national attention and accolades they once earned but were denied. The resolution I will introduce today calls on the Senate to recognize the team for its achievements on the field as well as the integrity of players and coaches off it. It also calls on this body to acknowledge that the discriminatory treatment endured by the Dons and other teams and individuals at that time was flatly wrong.

With the Olympics approaching, and as we celebrate Lance Armstrong and Tiger Woods for their victories and the obstacles they and others had to overcome for them to reach the pinnacle of their sports, I hope we also make the effort to honor the 1951 USF Dons—a team whose combination of talent and courage we may never see again.

Mr. SMITH of Oregon. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 346) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 346

Whereas the 1951 University of San Francisco Dons football team completed its championship season with an unblemished record;

Whereas this closely knit team failed to receive an invitation to compete in any post-season Bowl game because two of its players were African-American;

Whereas the 1951 University of San Francisco Dons football team courageously and

rightly rejected an offer to play in a Bowl game without their African-American teammates;

Whereas this exceptionally gifted team, for the most objectionable of reasons, was deprived of the opportunity to prove itself before a national audience;

Whereas ten members of this team were drafted into the National Football League, five played in the Pro Bowl and three were inducted into the Hall of Fame;

Whereas our Nation has made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American; and

Whereas it is appropriate and fitting to now offer these athletes the attention and accolades they earned but were denied:

Now, therefore, be it *Resolved*, That the Senate—

(1) applauds the undefeated and untied 1951 University of San Francisco Dons football team for its determination, commitment and integrity both on and off the playing field; and

(2) acknowledges that the treatment endured by this team was wrong and that recognition for its accomplishments is long overdue.

## VITIATION OF SENATE ACTION—S. 2247 AND H.R. 940

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the previous Senate action on the following bills be vitiated: S. 2247 and H.R. 940.

The PRESIDING OFFICER. Without objection, it is so ordered. They will be vitiated.

## UNANIMOUS CONSENT AGREEMENT FOR EXTENSION FOR CONSIDERATION OF NOMINATIONS

Mr. SMITH of Oregon. As in executive session, I ask unanimous consent a request which is at the desk for an extension for the consideration of nominations by the Governmental Affairs Committee be agreed to.

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

The request follows:

REQUEST FOR UNANIMOUS CONSENT

The Committee on Governmental Affairs requests that its deadlines for making determinations on the nominations of Everett Mosley for Inspector General of the Agency for International Development, Glen Fine for Inspector General of the Department of Justice, and Gordon Heddell for Inspector General of the Department of Labor be extended to September 7, 2000 at which time those nominations shall be discharged from the Committee.

The Committee on Governmental Affairs further requests that at such times as it receives the nomination for Donald Mancuso for Inspector General of the Department of Defense that its deadline for making a determination on the nomination be extended to September 7, 2000 at which time that nomination shall be discharged from the Committee.

## UNANIMOUS CONSENT AGREEMENT—NOMINATIONS

Mr. SMITH of Oregon. As in executive session, I ask unanimous consent that all nominations received by the Senate during the 106th Congress remain in status quo notwithstanding the July 27, 2000, adjournment of the Senate and the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported by the Armed Services Committee: Nos. 660, 661, 662, 664 through 670, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations were considered and confirmed, 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 lieutenant general*

Maj. Gen. Raymond P. Huot, 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*

Lt. Gen. Thomas R. Case, 0000

IN THE ARMY

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. Alexander H. Burgin, 0000

*To be brigadier general*

Col. Jonathan P. Small, 0000

The following named officer for appointment in the United States Army 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. Freddy E. McFarren, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Michael L. Dodson, 0000

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (lh) William J. Lynch, 0000

Rear Adm. (lh) John C. Weed, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Daniel H. Stone, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. (lh) Michael D. Haskins, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Clinton E. Adams, 0000
Capt. Steven E. Hart, 0000
Capt. Louis V. Iasiello, 0000
Capt. Steven W. Maas, 0000
Capt. William J. Maguire, 0000
Capt. John M. Mateczun, 0000
Capt. Robert L. Phillips, 0000
Capt. David D. Pruett, 0000
Capt. Dennis D. Woofter, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be Vice Admiral*

Vice Adm. Scott A. Fry, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

Air Force nomination of Michael R. Marohn, which was received by the Senate and appeared in the Congressional Record of July 20, 2000.

IN THE ARMY

Army nominations beginning *Robert S. Adams, Jr., and ending *Sharon A. West, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Army nominations beginning Kelly L. Abbrescia, and ending Timothy J. Zeien, II, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

IN THE COAST GUARD

Coast Guard nomination of Elizabeth A. Ashburn, which was received by the Senate and appeared in the Congressional Record of July 18, 2000.

IN THE MARINE CORPS

Marine Corps nomination of Thomas J. Connally, which was received by the Senate and appeared in the Congressional Record of July 18, 2000.

Marine Corps nominations beginning Aaron D. Abdullah, and ending Daniel M. Zonavetch, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2000.

IN THE NAVY

Navy nominations beginning Roy I. Apseloff, and ending John D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

Navy nominations beginning Thomas A. Allingham, and ending John W. Zink, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

Navy nominations beginning Donald M. Abrashoff, and ending Charles Zingler, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2000.

TREATY ON INTER-AMERICAN CONVENTION AGAINST CORRUPTION—TREATY DOCUMENT NO. 105–39

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to consider the following treaty on today's Executive Calendar: No. 16. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that all committee provisos, reservations, understandings, and declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, and the President be notified of the Senate's action.

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

Mr. SMITH of Oregon. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

*Resolved (two-thirds of the Senators present concurring therein),*

That the Senate advise and consent to the ratification of the Inter-American Convention Against Corruption, adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996, (Treaty Doc. 105–39); referred to in this resolution of ratification as ''The Convention'', subject to the understandings of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) APPLICATION OF ARTICLE I.—The United States of America understands that the phrase ''at any level of its hierarchy'' in the first and second paragraphs of Article I of the Convention refers, in the case of the United States, to all levels of the hierarchy of the Federal Government of the United States, and that the Convention does not impose obligations with respect to the conduct of officials other than Federal officials.

(2) ARTICLE VII (''Domestic Law'').—

(A) Article VII of the Convention sets forth an obligation to adopt legislative measures to establish as criminal offenses the acts of corruption described in Article VI(1). There is an extensive network of laws already in place in the United States that criminalize a wide range of corrupt acts. Although United States laws may not in all cases be defined in terms or elements identical to those used in the Convention, it is the understanding of the United States, with the caveat set forth in subparagraph (B), that the kinds of official corruption which are intended under the Convention to be criminalized would in fact be criminal offenses under U.S. law. Accordingly, the United States does not intend to enact new legislation to implement Article VII of the Convention.

(B) There is no general ''attempt'' statute in U.S. federal criminal law. Nevertheless, federal statutes make ''attempts'' criminal in connection with specific crimes. This is of particular relevance with respect to Article VI(1)(c) of the Convention, which by its literal terms would embrace a single preparatory act done with the requisite ''purpose'' of profiting illicitly at some future time, even though the course of conduct is neither pursued, nor in any sense consummated. The United States will not criminalize such conduct *per se,* although significant acts of corruption in this regard would be generally subject to prosecution in the context of one or more other crimes.

(3) TRANSNATIONAL BRIBERY.—Current United States law provides criminal sanctions for transnational bribery. Therefore, it is the understanding of the United States of America that no additional legislation is needed for the United States to comply with the obligation imposed in Article VIII of the Convention.

(4) ILLICIT ENRICHMENT.—The United States of America intends to assist and cooperate with other States Parties pursuant to paragraph 3 of Article IX of the Convention to the extent permitted by its domestic law. The United States recognizes the importance of combating improper financial gains by public officials, and has criminal statutes to deter or punish such conduct. These statutes obligate senior-level officials in the federal government to file truthful financial disclosure statements, subject to criminal penalties. They also permit prosecution of federal public officials who evade taxes on wealth that is acquired illicitly. The offense of illicit enrichment as set forth in Article IX of the Convention, however, places the burden of proof on the defendant, which is inconsistent with the United States Constitution and fundamental principles of the United States legal system. Therefore, the United States understands that it is not obligated to establish a new criminal offense of illicit enrichment under Article IX of the Convention.

(5) EXTRADITION.—The United States of America shall not consider this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force. In such cases where the United States does not have a bilateral extradition treaty in force, that bilateral extradition treaty shall serve as the legal basis for extradition for offenses that are extraditable in accordance with this Convention.

(6) PROHIBITION ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States of America shall exercise its rights to limit the use of assistance it provides under the Convention so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) ENFORCEMENT AND MONITORING.—Not later than April 1, 2001, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Convention to ratify and implement it.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION AND ACTIONS TO ADVANCE ITS OBJECT AND PURPOSE.—A description of the domestic laws enacted by each Party to the Convention that implement commitments under the Convention and actions taken by each Party during the previous year, including domestic law enforcement measures, to advance the object and purpose of the Convention.

(C) PROGRESS AT THE ORGANIZATION OF AMERICAN STATES ON A MONITORING PROCESS.—An assessment of progress in the Organization of American States (OAS) toward creation of an effective, transparent, and viable Convention compliance monitoring process which includes input from the private sector and non-governmental organizations.

(D) FUTURE NEGOTIATIONS.—A description of the anticipated future work of the Parties to the Convention to expand its scope and assess other areas where the Convention could be amended to decrease corrupt activities.

(2) MUTUAL LEGAL ASSISTANCE.—When the United States receives a request for assistance under Article XIV of the Convention from a country with which it has in force a bilateral treaty for mutual legal assistance in criminal matters, the bilateral treaty will provide the legal basis for responding to that request. In any case of assistance sought from the United States under Article XIV of the Convention, the United States shall, consistent with U.S. laws, relevant treaties and arrangements, deny assistance where granting the assistance sought would prejudice its essential public policy interest, including cases where the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Convention is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–38

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on July 27, 2000, by the President of the United States:

Extradition Treaty with Belize (Treaty Document No. 106–38).

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of Belize, signed at Belize on March 30, 2000.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

The Treaty is one of a series of modern extradition treaties being negotiated by the United States in order to counter criminal activities more effectively. Upon entry into force, the Treaty will replace the outdated Extradition Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, signed at London, June 8, 1972, entered into force on October 21, 1976, and made applicable to Belize on January 21, 1977. That Treaty continued in force for Belize following independence. This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the two countries. It will thereby make a significant contribution to international law enforcement efforts against serious offenses, including terrorism, organized crime, and drug-trafficking offenses.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 2000*.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–39

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on July 27, 2000, by the President of the United States:

Treaty with Mexico on Delimitation of Continental Shelf (Treaty Document No. 106–39).

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; that the President's message be printed in the RECORD; and that the Senate return to legislative session.

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

The message of the President is as follows:

LETTER OF TRANSMITTAL

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico beyond 200 nautical miles. The Treaty was signed at Washington on June 9, 2000. The report of the Department of State is also enclosed for the information of the Senate.

The purpose of the Treaty is to establish a continental shelf boundary in the western Gulf of Mexico beyond the outer limits of the two countries' exclusive economic zones where those limits do not overlap. The approximately 135-nautical-mile continental shelf boundary runs in a general east-west direction. The boundary defines the limit within which the United States and Mexico may exercise continental shelf jurisdiction, particularly oil and gas exploration and exploitation.

The Treaty also establishes procedures for addressing the possibility of oil and gas reservoirs that extend across the continental shelf boundary.

I believe this Treaty to be fully in the interest of the United States. Ratification of the Treaty will facilitate the United States proceeding with leasing an area of continental shelf with oil and gas potential that has interested the U.S. oil and gas industry for several years.

The Treaty also reflects the tradition of cooperation and close ties with Mexico. The location of the boundary has not been in dispute.

I recommend that the Senate give early and favorable consideration to this Treaty and give it advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 2000*.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## 225TH ANNIVERSARY OF UNITED STATES ARMY CHAPLAIN CORPS

Mr. THURMOND. Mr. President, today I rise to extend my unswerving support and deep appreciation to the United States Army Chaplain Corps on the occasion of its 225th Anniversary, which will occur this Saturday, July 28, 2000. Throughout the history of our Nation, the Army Chaplaincy has dedicated itself to enriching our soldiers' spiritual lives and ensuring the free exercise of religion.

Many Chaplains and Chaplain Assistants have demonstrated their love for their fellow soldiers by risking their lives so that their comrades might live. I would like to acknowledge these dedicated individuals who have gallantly served in the Army Chaplaincy, and who continue to selflessly minister in the face of adversity, uncertainty, and anxiety so that soldiers might be brought closer to God. By their sacrifices, Chaplains and Chaplain Assistants have proven themselves in both peril and peace to love our soldiers, our Army, and our Nation above themselves. For this, our Nation is grateful. Again, I congratulate the United States Army Chaplains Corps for 225 years of loyal service and pray that it will continue to serve our Army until nations shall beat their swords into plowshares and war shall cease.

## THE HORRIBLE VIOLENCE IN INDONESIA

Mr. ASHCROFT. Mr. President, I rise today to speak on an urgent issue of great concern to me. Over the past eighteen months, terrible violence has occurred and is still taking place in Indonesia's Moluccan (Maluku) Islands, focused in the provincial capital of Ambon, and no end is in sight. In this Indonesian province, religious conflict between Christians and Muslims has led to the loss of up to 10,000 lives and the displacement of up to 500,000 people. To my great dismay, the Indonesian government has had little success in protecting Christians. In the Moluccas in the last two years almost 10,000 buildings and churches have been burnt and mass killings go largely unpunished.

Since, the situation has intensified with the arrival of members of the Laskar (Jihad) Force. The Laskar Jihad is a group of over 2,000 Muslim militants who sailed to the Moluccas from the main island of Java. Efforts by the United States to keep this group out was in vain. Indonesia adhered to her open inter-island immigration policy and the group was allowed to go to the Moluccas. Due to internal political unrest and continuing economic depression, the police forces and military are unable or unwilling to restore order. The necessity to bring the populace under the rule of law and order has intensified due to some reports that the Muslim Jihad Force has given the Christians in the city of Ambon until July 31st to vacate the city. If they do not leave in compliance with this ultimatum, they probably will be murdered.

Mr. President, the Molucca islands, known previously as the Spice Islands, have had a long history of contact and trade with Europe. The Spice Islands

were greatly valued for their nutmeg and clove production. Due to this prolonged and extensive contact, the Moluccas have a much higher percentage of Christians than other parts of Indonesia. Indonesian President Abdurrahaman Wahid supports a policy of tolerance between the two religions, but such cooperation is not forthcoming. A history of heavy-handed authoritarianism, practiced by the Indonesian military under ex-President Suharto, resulted in the suppression of a range of disputes between the two groups. When Suharto's rule collapsed, these arguments were vented, and sectarian violence soon erupted. The spark came in January of 1999, the end of the Muslim month of Ramadan, when a minor incident on Ambon led to 160 deaths and villages burned to the ground. The violence escalated leading to a greater frequency of killings and the destruction of churches and mosques. To further complicate this horrendous situation, the military has not acted consistently neutral in this conflict, aiding Muslims militants against the Christians in several disturbing instances. The situation is desperate.

Mr. President, I would like to thank our Secretary of State, Ms. Madeline Albright, for her continuing work with the Indonesian government to alleviate this horrible religious strife in Indonesia. It is important for the United States to vigilantly and immediately pressure the Indonesian government to continue to take steps to restore civil order, foster dialogue between the Christians and the Muslims, and help the communities find a way to peacefully coexist. The U.S. also needs to press Vice President Megawati Sukarnoputri to find both short-term and long-term solutions to this problem—for she has expressly been given this task. In addition, the State Department must continue its push to let humanitarian workers and the United States Agency for International Development (USAID) into the Moluccas to alleviate some of the human suffering that is occurring as a result of the warfare. The Indonesian government has taken several positive steps towards ending the violence, including the appointment of a Hindu to head the police forces in the area. This nomination, as a gesture of non-partisanship, was a great stride in the right direction. However, we must work to ensure that all actions taken by the police and the military are fair, even-handed, and contribute to stopping the violence. Indonesia has also, to my pleasure, recently mounted a campaign to eject the Jihad Force from the Moluccas. This development should alleviate some of the violence, but the basic problems remain unsolved. The government of Indonesia must do more. In addition, the United States must continue to immediately press for a solution to this bloody situation in the hopes of establishing a peace and stability that would end the persecution of Christians in the Moluccans. Thank you.

EAST TIMOR AND INDONESIA

Mr. FEINGOLD. Mr. President, I rise today to speak about the continuing crisis in Indonesia and East Timor.

Earlier this week, a peacekeeper from New Zealand, Leonard William Manning, was killed while tracking a group of men whom senior officials in Timor have identified as militia members who had crossed into East Timor from Indonesia. Private Manning was serving the cause of peace, his death is tragic, and I want to take this opportunity to express my sympathy to his family.

In the wake of this incident, the United Nations Security Council and the ASEAN Regional Forum have called on Indonesia to disband and disarm the militias operating in the refugee camps of West Timor, and to stop the militias' cross-border incursions into East Timor. But Mr. President, this call has echoed around the world for months now. It is a call that has gone unheeded.

The activities of Indonesian militias threaten the stability of Indonesia, the safety of peacekeepers and humanitarian workers, and the basic human rights of Indonesians and East Timorese. It was the militia, Mr. President, that waged a brutal campaign of violence and destruction immediately after East Timor's vote for independence last year. It was the militia that enjoyed the direct support of the Indonesian military throughout that operation. And it is the militia that continues to operate in the refugee camps of West Timor, where the most vulnerable East Timorese are subjected to threats and intimidation. It is the militia that has forced UNHCR to suspend operations in West Timor after a series of violent assaults on its staff.

I believe that many in the Indonesian government, including President Wahid, want to stop the militia violence and to end the intimidation in the refugee camps. But they are unable to make this happen, because too many people in powerful positions in Indonesia remain unwilling to make it happen. And that, Mr. President, is all that this country needs to know when the question of resuming military relations with Indonesia comes up.

Ominous reports of a deeply disturbing relationship between the Indonesian military and the militias continue to pour out of the region. Peacekeepers on the ground in East Timor have noted that the group that attacked Private Manning appeared to have benefitted from serious and significant military training. At one point recently, UNHCR personnel witnessed militiamen beat a refugee from East Timor and rob several others while a 70-strong Indonesian military detachment witnessed the incident but did not intervene.

And it's not just Timor, Mr. President. In the Moluccas, where sectarian violence has risen to such alarming levels that many have pondered international intervention, reliable reports indicate the Indonesian military has been complicit in the conflict, and has even provided support to certain factions. In Papua, or Irian Jaya, militia groups have already taken violent action against community leaders.

The simple and unfortunate facts, Mr. President, are that a power struggle continues in Indonesia, between those committed to a responsible and professional military operating under civilian control, and those who would cling to the abusive patterns of the past. I have introduced a bill, the East Timor Repatriation and Security Act of 2000, which would codify a suspension of military and security relations with and assistance to Indonesia until certain conditions are met. This legislation would permit military and security programs from J–CETS to military sales to resume only when the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are doing the following—

Taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

Taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

Allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

Not impeding the activities of the United Nations Transitional Authority in East Timor;

Demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

Demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and military groups responsible for human rights violations in Indonesia and East Timor.

These certainly are not unreasonable conditions. They work in favor of the forces of reform within Indonesia. And by linking military and security assistance to these benchmarks, Congress will ensure that the U.S. relationship with Jakarta avoids the mistakes of the past, and that U.S. foreign policy comes closer to reflecting our core national values.

But recent events make it crystal clear that these conditions have not yet been met. Mr. President, the U.S. must continue to insist on them. In the pursuit of justice, in the pursuit of stability, and in support of the forces of reform, this country cannot send a signal that where we are today is somehow good enough. Again, Mr. President, I add my voice to the chorus, because U.S., Indonesian, and Timorese

interests all demand that the militias be stopped and that the military must be united in the pursuit of professionalism, accountability, and civilian control.

## THE CLASS ACTION FAIRNESS ACT

Mr. GRAMS. Mr. President, I want to today announce my support for S. 353, the Class Action Fairness Act, just reported by the Judiciary Committee, and announced my intention to complement this legislation by introducing legislation soon that will require lawyers representing plaintiffs in class actions to make preliminary disclosures estimating the anticipated attorneys' fee, and an explanation of the relative recoveries that both the attorney and class action clients can expect to receive if the claim is settled or decided favorably. My cosponsorship of the Class Action Fairness Act and intention to introduce my own legislation is prompted by some high profile class action case settlements that have generated a great deal of controversy. Labeled ''coupon'' settlements, these agreements have involved the class action claimants receiving coupons for discounts on later purchases of goods or services while the attorneys representing the class walk away with literally hundreds of thousands of dollars, or even millions of dollars, in fees. Often these coupons are for discounts on the same item rejected by the claimants in the class action.

For instance, several years ago many of the nation's airlines were sued based upon a claim that they had fixed prices. A database that the airlines were using to communicate fares to the travel industry was suspected of being used to compare and fix fares, and a Justice Department antitrust investigation thus ensued. The Justice Department subsequently filed a civil antitrust suit in 1992 and settled the case in 1994. But firms specializing in class action cases also brought their own civil suits against the airlines on behalf of air travelers. In fact, 37 firms were involved on the plaintiff side of the litigation.

A settlement was eventually reached that provided $438 million worth of coupons to an unknown number of passengers, while the legal fees to plaintiffs' attorneys amounted to $16 million. In other words, the passengers got coupons, and the lawyers got cash. You may be thinking that $438 million in coupons sounds like a pretty generous amount of discounts for the passengers, but the details indicate otherwise. Each coupon was good for only a 10 percent maximum discount off an air fare. 4.2 million air travelers recovered between $73 and $140 in coupons, but, again, any one coupon was only good for 10 percent of the actual fare.

One particularly revealing fact about this settlement was that one airline that had not been named as a defendant actually asked to be joined in the suit as a defendant because they saw the promotional value of all these coupons going to air travelers. So what ostensibly was a high stakes civil action degenerated into a promotional tool for the airlines, a negligible recovery for the class members, and a financial boon for the plaintiffs' attorneys.

It's not difficult to foresee the possibility of collusion between plaintiffs' and defendants' attorneys when the plaintiff attorneys can get huge fees and defendants can eliminate the risk of a large judgment. It obviously is an attractive option to a defendant to settle a case and pay large fees to a small number of people—specifically the attorneys—and avoid the risk of protracted litigation and lawyers seeking a jackpot recovery. Attorneys have a fiduciary duty to represent the best interests of their clients, but it's clear that in the cases of coupon settlement usually the primary interest served is their own.

So we now have a problem of plaintiff attorneys searching for causes for which they can bring suit, and then representing anonymous clients that they don't know and to which they have no accountability. In fact, many members of a class in a class action don't even know they are being represented. The windfall profits to attorneys has prompted a deluge of these type of suits, and recent studies indicate that in the last 36 months, some companies have faced a 300 to 1000% increase in the number of class actions filed against them. And you know the problem has gotten bad when the president of the Association of Trial Lawyers of America comes out against coupon settlements.

The problem of coupon settlements has been manifested primarily in state courts. Federal court judges generally, to their credit, have been more vigilant in policing such ''sweetheart settlements.'' The problem of the proliferation of this type of litigation in state courts prompted Congress to seek a legislative remedy. The Judiciary recently marked up the Class Action Fairness Act, which moves many of these large, multi-state claims to the federal courts where they belong. Many of the class action trial lawyers have worked the system to keep their claims in state court, where they know there is not the expertise nor staff to handle the issues, and which provides them advantages over the defendant. The bill also requires the Judicial Conference of the United States to recommend best practices the courts can use to ensure settlements are fair to the class members, that attorneys fees are appropriate, and that the class members are the primary beneficiaries of the settlement.

I believe that these are important reforms, and I want to take the reforms a step further by requiring attorneys in class action cases to make an up-front disclosure about the prospects for success and also give information about attorneys' fees and individual class member recovery in the event of a successful conclusion to the suit. If potential class members are likely to receive only a small fraction of what their attorney would receive, or perhaps a coupon which they may or may not end up using, then they need to be appraised of that fact from the start. These types of disclosures will at least put the potential class members on notice that perhaps the attorneys don't have some noble pursuit of justice in mind as much as they do getting a quick settlement that will net them huge profits, while the clients they ostensibly are trying to assist receive little or nothing.

Again, I am pleased to join as a cosponsor of S. 343, and look forward to introducing my own legislation to combat this abuse of our legal system.

## EXPLANATION OF ABSENCE

Mrs. MURRAY. Mr. President, as my colleagues know, I had to return home to Washington state on Thursday of last week to attend the funeral of Mr. Bernie Whitebear. Unfortunately, I missed a series of roll call votes on H.R. 4461, the fiscal year 2001 agriculture appropriations bill, and the vote on the Conference Report of H.R. 4810, marriage tax penalty legislation. I wanted to take this opportunity to state for the Record how I would have voted had I been present.

On Roll Call Vote Number 221, the Harkin Amendment Number 3938, I would have voted ''Yea.''

On Roll Call Vote Number 222, the Wellstone Amendment Number 3919, I would have voted ''Yea.''

On Roll Call Vote Number 223, the Specter Amendment Number 3958, I would have voted ''Yea.''

On Roll Call Vote Number 224, on the question of whether the Durbin Amendment Number 3980 is germane to H.R. 4461, I would have voted ''Yea.''

On Roll Call Vote Number 225, on final passage of H.R. 4461, I would have voted ''Yea.''

On Roll Call Vote Number 226, on final passage of the Conference Report of H.R. 4810, I would have voted ''Nay.''

## WHY FOREIGN AID?

Mr. LEAHY. Mr. President, I often hear from members of the public who feel that the United States is spending too much on ''foreign aid.'' Why are we sending so much money abroad, they ask, when we have so many problems here at home?

This concerns me a great deal, because it has been shown over and over again that most Americans mistakenly believe that 15 percent of our national budget goes to foreign aid. In fact it is about 1 percent. The other 99 percent goes for our national defense and to fund other domestic programs—to build roads, support farmers, protect the environment, build schools and hospitals, pay for law enforcement, and countless other things the governments does.

The United States has by far the largest economy in the world. We are unquestionably the wealthiest country. The amount we spend on foreign aid totals only a few dollars per American per year.

What does the rest of the world look like?

Imagine, for a moment, if the world's population were shrunk to a population of 100 people, with the current ratios staying the same. Of those 100 people, 57 would be Asians. There would be 21 Europeans. Fourteen would be from North and South America. Eight would be Africans.

Of those 100 people, 52 would be women, and 48 would be men. Seventy would be non-White, and 30 would be White. Seventy would be non-Christian, and 30 would be Christian.

Six people would possess 59 percent of the world's wealth, and all 6 would be Americans. Think about that.

Fifty people—one half of the population, would suffer from malnutrition. 80 out of 100 would live in substandard housing, often without safe water to drink.

Seventy would be illiterate. Only 1 would have a college education. And only 1 would own a computer.

Are we spending too much on foreign aid? These statistics put things in perspective. I would suggest that there are two reasons to conclude that not only are we not spending too much, we are not spending enough.

First, we are a wealthy country—far wealthier than any other. Yes we have problems. Serious problems. But they pale in comparison to the deprivation endured by over a billion of the world's people who live in extreme poverty, with incomes of less than $1 per day. Like other industrialized countries, we have a moral responsibility to help.

Second, it is often said, but worth repeating, that our economy and our security are closely linked to the global economy and to the security of other countries. Although we call it foreign aid, it isn't just about helping others. These programs help us.

By raising incomes in poor countries we create new markets for American exports, the fastest growing sector of our economy.

Raising incomes abroad also reduces pressure on people to flee their own countries in search of a better life. One example that is close to home is Mexico, where half the population survives on an income of $2 per day. Every day, thousands of people cross illegally from Mexico into the United States, putting enormous strains on U.S. law enforcement.

Foreign aid programs support our democratic allies. There are few examples in history of a democracy waging war against another democracy.

These programs protect the environment and public health, by stopping air and water pollution, and combating the spread of infectious diseases that are only an airplane flight away from our shores.

They help deter the proliferation of weapons, including nuclear, biological and chemical weapons.

These are but a few examples of how ''foreign aid'' creates jobs here at home, and protects American interests abroad.

The American people need to know what we do with our foreign aid, and why in an increasingly interdependent world the only superpower should be doing more to protect our interests around the world, not less.

## CHANGE OF COMMAND FOR THE CHIEF OF NAVAL OPERATIONS

Mr. WARNER. Mr. president, on July 21, 2000 our colleague Senator JOHN MCCAIN delivered an address at the Change of Command ceremony were Admiral Jay Johnson stepped down from his distinguished career to be succeeded by Admiral Vern Clark as the 27th Chief of Naval Operations.

I was privileged to be present, together with Roberta McCain, Senator MCCAIN's mother, to listen to his stirring remarks to our Navy-Marine Corps men and women-both present and serving throughout the world in the cause of freedom. Our colleague has a long and distinguished career in and with our military. His heartfelt delivery was genuine and his message was inspirational. I ask unanimous consent that his remarks be printed in the RECORD.

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

SENATOR JOHN MCCAIN SPEECH FOR CNO RETIREMENT July 21, 2000

Thank you, Admiral Johnson, Secretary Cohen, Secretary Danzig, General Shelton, Admiral Clark, the Joint Chiefs, Medal of Honor recipients, members of Congress, members of the Naval Academy Board of Visitors, distinguished flag and general officers of the U.S. and Allied Forces, guests, families and friends. And thank you, midshipmen of the Class of 2004.

I am greatly honored to be here today, and to participate in this wonderful ceremony as the men and women of the United States Navy officially welcome their new Chief of Naval Operations, Admiral Vernon Clark, and say farewell and thank you to the man who has led you so well for more than four years, my good friend, Admiral Jay Johnson.

It has never been enough that an officer of the Navy should be a capable mariner. He must be that, of course, but also a great deal more. He should be, and I quote, ''a gentleman of liberal education, refined manners, punctilious courtesy, and the nicest sense of personal honor.'' End quote.

For those of you who know your plebe rates, you recognize that those words were written by a man who is buried here at the Naval Academy, underneath the Chapel dome. John Paul Jones had a clear vision for the qualifications of a Naval Officer over 220 years ago, qualifications that Admiral Johnson and Admiral Clark not only meet, but exceed.

Admiral Johnson and I have known each other for a long time. We both served on the USS ORISKANY during the Vietnam War. He flew an F8 Crusader in two combat cruises, trying to finish the war so those of us who weren't as good a pilot as he was could come home a little earlier. And for that I am extremely grateful!

Of the many lessons I learned from Vietnam, one that I value highly is the realization that although Americans have fought valiantly in many noble causes, we are not assured that the battle will always be necessary or the field well-chosen. In the end, Americans at war, professional and conscript alike, always find their honor in their answer, if not their summons. My friend, Admiral Johnson found much honor in his answer to our country's call to arms.

In better times, Admiral Johnson and I again worked together on behalf of the service we both want to see succeed. As a member of Congress, I have admired his meteoric rise as an Air Wing, Battle Group, Joint Task Force and Fleet Commander. As the Vice Chief and then Chief of Naval Operations, Jay's frank counsel on issues affecting the defense of our country has been of great value to me, and other members of Congress.

Applying his philosophy that emphasizes Operational Primacy, Leadership, Teamwork and Pride, Admiral Johnson has guided the Navy for the past four years, skillfully balancing mandated reductions in force with dramatically increased operational tasking.

He has been a champion of reform. He improved the Inter-Deployment Training Cycle—the period between deployments—the largest quality-of-life initiative of the past decade, by reducing at-sea time and ensuring that sailors could spend more time in port with their families. His improvements included empowering the Navy's commanding officers by removing redundant inspections and burdensome paperwork and raising morale among the sailors, while giving commanders the opportunity to truly lead their ships, squadrons, submarines and SEAL teams.

Admiral Johnson also led the Joint Chiefs of Staff in calling for the largest personnel pay increases in the past decade. He was the first Chief to step forward and support food stamp relief for our most needy sailors, soldiers, airmen, and marines. In addition, he led the charge for Pay Table Reform, which increased our sailors' pay beginning this month. He was instrumental in restoring full retirement pay for military retirees, and in pushing for larger increases in annual military pay raises. The dramatic improvements in this years' defense authorization bill, which passed the Senate last week are, in large part, due to Jay Johnson's influence.

The men and women he has commanded have responded to his outstanding leadership by performing superbly themselves in combat in Iraq and the Balkans. They have kept the peace and have won the wars, and for that, we are forever indebted to our sailors, soldiers, airmen, and marines and to people like Admiral Clark who has been involved in every Navy conflict over the past 32 years.

Admiral Johnson's skill in working with people clearly reflects his close family relationships. This year, Admiral Johnson was aptly deemed Father of the Year by the National Father's Day Committee.

The Class of 1968 has asked me to announce at today's ceremony that they have chosen Admiral Jay Johnson to be the honoree of the Class of 1968 Leadership Award that will endow a gift to the Superintendent of the Naval Academy for the Leadership and Ethics Curriculum. Congratulations Jay.

Admiral Clark, we welcome you and Connie to the helm of this great Navy. I am confident that the Navy will continue to flourish under your leadership.

You have already demonstrated that the key to your strength as a leader is in supporting the people of the U.S. Navy. I was heartened to hear you openly back programs like food stamp relief for service members, and testify at your Senate confirmation hearing this spring about the sailors that, I quote,

''We know that nothing is impossible with them. We can't do readiness. We can't successfully complete missions. No, we can't be victorious without them. And so nothing is more important to me than them.'' End quote.

The Navy has selected an outstanding 27th Chief of Naval Operations, another Vietnam combat veteran, a Destroyer-man who brings an outstanding breadth of command and joint leadership. Admiral, it is clear that you are more than capable of continuing the strong, insightful leadership provided by Admiral Johnson, leadership which will be required to guide the Navy with the vigilance and courage needed to implement reforms.

Forty-five years ago this August, when I was a youngster at the academy, I stood in Dahlgren Hall to hear the words of Admiral Arleigh Burke as he became the New Chief of Naval Operations. He went on to serve an unprecedented, distinguished three terms as CNO.

The uncertainties and challenges of the age we live in stand in stark contrast to the moment in which Admiral Arleigh Burke summoned his destroyer squadron and ordered them into battle against a superior Japanese fleet. They had to attack at the Bougainville coast to protect the landings in progress at Empress Augusta Bay. Defeat—a mathematical probability if not certainty—would have led to a loss of the battle and left vulnerable nearly all naval defenses of the Southern Pacific.

What compelled Admiral Burke to take what seemed such a desperate gamble by committing the little ships of Destroyer Squadron 23, the Little Beavers, against the immense strength of the Japanese fleet? What explains his firm faith in the reliability of the intelligence upon which he based the supposition of his ships and his confidence in the men who would command them in battle? How was he sure that the Americans whom he ordered into harm's way would obey his orders and reward his trust with such courage and resourcefulness?

He believed in his people. He believed in their courage and their ability. He knew that they, like he, were empowered by the justice of their cause, by a love of America expressed in action, and in sacrifice. Trust, derived from his appreciation of his countrymen's virtues, and his wisdom and confidence about how they would discharge their duties in a desperate battle was the essence of Admiral Burke's extraordinary leadership.

By memorializing Admiral Burke, we memorialize the very finest virtues of our blessed country. We also pay tribute to the attributes of leadership embodied in the service of Admiral Johnson and Admiral Clark, attributes that are reflected in their actions to support the men and women under their command.

The greatness of our destiny rests in the hands of every man and woman blessed to call America home. That's why Admiral Johnson has taken so seriously his responsibilities to his sailors. He knew that together they shared equally in the honor of defending a great nation. Admiral, you will be the first to direct all praise to the men and women under your command. But I know that they would direct it back to you—the man at the helm.

Jay, you have served your Navy and your nation well. I want to thank you and Garland for your many years of exemplary service to America, and bid you fair winds and following seas, for I know we will see you again. I know you will find new ways to serve the Navy and America, and I will always rely on your wise counsel.

Admiral Clark and Connie, congratulations and welcome. I am confident that you will both distinguish the noble tradition you inherit today. Admiral, I look forward to working with you as you lead the Navy toward its always magnificent destiny.

I would like to close by speaking directly to the women and men of the U.S. Navy. As we stand here this morning, our sailors are risking their lives above, on, and below the ocean.

But this risk is not without reward—the reward of serving a cause greater than one's own self-interest. I commend your service in the Navy. I hold the Navy closer to my heart than any other human institution that I have ever been a part of—save my family. The Navy for many years was the only world I knew. It is still the world I know best and love most.

I trust in your willingness and ability to uphold the honor of your Navy and your country, for I have seen the best of America in my travels over the last year and know that America deeply appreciates your service. I recognize that we still have many miles to sail to ensure that you are properly rewarded for your continued sacrifice and service to our nation.

Make the most of these days, for you will never forget the honor of your service in this Navy. Nor will your country forget the honor you gave her in seas where so many Americans, like Admiral Burke and Admiral Johnson, fought for the love of their country. Admiral Johnson, I thank you for the honor of inviting me to return to a place I love so well. Admiral Clark, I offer my best wishes and look forward to working with you. Thank you.

## GUN DEATHS AMONG YOUNG PEOPLE

Mr. LEVIN. Mr. President, this week we received some positive news from the Centers for Disease Control and Prevention's National Center for Health Statistics. According to newly released statistics, firearm deaths among young people decreased in 1998.

The new report shows that firearm deaths among children and adolescents under 20 dropped 10 percent—from 4,223 in 1997 to 3,792 in 1998. Perhaps even more significant, in 1998, deaths among young people were down 35 percent since 1994, when firearms led to the deaths of 5,833 young people.

It is no coincidence that firearm casualties have been reduced by 35 percent since 1994, the year the Brady Law went in to effect. The Brady Law, which requires licensed firearms sellers to conduct criminal background checks on prospective gun purchasers, has successfully kept guns out of the hands of hundreds of thousands of criminals and youths.

Although we can rejoice that fewer youths are subject to the danger of guns, we should still be dismayed that 10 of our young people (on average) die from guns every day. 10 children and adolescents as well as 74 adult Americans suffered gun-related deaths daily in 1998, and that is far too many.

Congress must do more to protect our children and loved ones from these gun tragedies. We can start by strengthening the Brady Law by closing the gun show loophole. That loophole allows perpetrators of violent crimes to buy guns from non-licensed or private sellers, who are not required to conduct criminal background checks. This loophole undermines the successes of Brady by arming those who would otherwise not be permitted to purchase firearms. In May of 1999, the Senate passed legislation to close this loophole by extending criminal background checks to guns sold at gun shows and pawn shops, but opponents of this common sense provision have kept it from becoming law.

It is disheartening to know that Congress has not yet passed sensible gun laws—laws designed to protect American lives. Without addressing this issue, America will continue to lose 10 young people a day to guns, and that is 10 too many.

## A COMPILATION OF INFORMATION ON ETHANOL ETHERS

Mr. KERREY. Mr President, I would like to note the release of a recent publication that all members of Congress should read. This new publication was produced by the Clean Fuels Development Coalition and it includes a presentation of facts about ethanol-based ethers.

As we attempt to deal with the water contamination problems resulting from leaking underground storage tanks, much of the debate is focusing on methanol-based ethers, i.e. MTBE. While MTBE has played an important role in reducing ozone throughout the U.S., the problems of water contamination have lead many to advocate limiting or even banning this product.

During this debate a few of our colleagues have expressed confusion about the technical characteristics of ethanol-based ethers, like ETBE. Some have assumed that ethanol-based ethers have characteristics identical to MTBE. As both the Senate and House examine this issue, it is important to be aware of the significant differences between the two products.

For example, ethanol is a renewable, biodegradable product. When converted into ether, ETBE has many favorable characteristics in terms of the way it reacts in soil, water, and air, when compared to MTBE. In the event ETBE escapes into the atmosphere or our water supplies, it can be cleaned up much more efficiently than MTBE. ETBE is far less persistent than MTBE and remediation technologies have shown to be very effective.

Understanding the attributes of ETBE is also important at a time when every citizen is painfully aware of our dependence on imported petroleum and the relationship of supply and price. It may be possible to use ETBE in volumes up to 22 percent in gasoline. This addition of a clean, domestic fuel could significantly impact our gasoline supply situation, particularly in our most heavily populated and polluted urban areas.

I have long been a supporter of ETBE and while there are a number of technical and market challenges remaining before this fuel reaches full commercialization, its promise is undeniable. The petroleum industry, environmental groups, ethanol producers, and the auto industry have long recognized the superior qualities of ETBE. For that promise to be realized we need to ensure that ETBE is not included in any ban or limitation of fuels that result from leaking underground storage tank problems. I commend the Clean Fuels Development Coalition for their continued support of this important fuel as well as my own state of Nebraska which has more than a decade of experience in ETBE development.

Mr. President, at this time I would ask unanimous consent that a copy of the Clean Fuels Development Coalition fact book on ETBE be entered into the CONGRESSIONAL RECORD.

ETBE FACT BOOK

The U.S. Department of Energy's Energy Information Administration projects U.S. Oil imports could grow to nearly 60–70 percent of total U.S. Oil consumption by the year 2010 if new U.S. Policies are not adopted to reverse current trends or if world crude oil prices decline. According to the American Petroleum Institute, the U.S. Is currently dependent of foreign oil for 51.8 percent of its energy needs. Currently, 46.7 percent of the imports come from OPEC countries, with 19.1 percent originating from the Persian Gulf region.

Historically, market prices have been the primary argument driving the dependence on cheap crude oil imports and the perceived aversion to the alternative fuels. The market price of crude oil can be very misleading because it excludes external costs associated with its use, such as environmental and military costs. The actual cost of oil, including external costs, is estimated to be over $100 per barrel or about $3–$5 per gallon of gasoline, according to the U.S. General Accounting Office.

R. James Woolsey, former director of the Central Intelligence Agency, believes that the world's dependence on oil from the Middle East and the Caspian Basin is one of the three major threats to America's national security, along with attacks from rogue nations and terrorism.

According to General Accounting Office estimates, at current capacity, fuel ethanol and other oxygenates could displace about 305,000 barrels of petroleum per day used to produce gasoline. The total amount of petroleum that ethanol could displace would be approximately 3.7 percent of estimated U.S. Gasoline consumption in 2000. New presidential and Congressional initiates envision tripling these percentages by 2010.

Energy production and use accounts for 80 percent of air pollution and 66 percent of the human contribution to global warming. Gasoline obviously accounts for a majority of energy, and specifically, oil consumption. Displacing gasoline with a renewable, less toxic, $CO_2$-friendly, domestically produced fuel represents good environmental policy.

Each bushel of corn used to produce ethanol is 100 percent pure profit for the country. The ethanol industry makes $4.50 worth of products out of a $2.25 bushel of corn, doubling its value, enriching the national economy and displacing foreign oil. This improves the U.S. balance of trade payments by several billion dollars, and increases the value of U.S. Grain production. In the future, emerging cellulose conversion technology will make it possible for the entire country to function as a transportation fuel producer using alternative energy crops—switchgrass in Montana, sorghum in Oklahoma, sycamores in Louisiana, poplars in Vermont and waste biomass in New York.

In addition to stimulating the economy, ethanol helps reduce the federal deficit. The United States General Accounting Office (GAO) issued a report stating that a doubling of ethanol production would save the federal government $500 million to $600 million annually.

Despite ethanol's benefits, it has had problems entering the U.S. Gasoline pool. Due to difficulties with transportation regional fuel specifications and a increase in fuel vapor pressure, ethanol blends have been used mostly in the Midwest. But there is a way to combine the benefits of ethanol into a fuel additive that would be better accepted by the nation's refiners—producing ethyl tertiary butyl ether, ETBE.

By combining ethanol with isobutylene, which is derived from natural gas liquids or petroleum products, ETBE offers refiners, agriculture and policy makers another avenue to get the benefits of ethanol into gasoline and minimize many of its current obstacles.

The vast majority of ethanol is sold in the Midwest region of the United States. Ethanol blends are doing a great job reducing carbon monoxide and air toxic pollution. However, the more populated cities on the East and West Coasts face tougher emission standards that are primarily based on reducing the vapor pressure of gasoline. ETBE has the lowest vapor pressure of oxygenates available in the marketplace and a high octane level. Compared to other additives, including ethanol alone, it reduces more evaporative and tailpipe emissions, and lowers toxics and carbon monoxide. The U.S. Department of Energy found ''significant benefits'' to using ETBE made from biomass, especially in California.

Each gallon of ETBE displaces a barrel of imported oil and reduces the amount of oil that refiners use to make gasoline. Each gallon of ETBE helps the U.S. reduce its $52 billion oil import bill, stimulates the national economy and improves our balance of trade. Turning lower-valued domestic natural gas into high valued liquid fuel products can help areas of the country that have suffered from America's dramatic decline in crude oil production. American agriculture, working in cooperation with domestic natural gas producers to produce leaner domestic fuels, is a powerful combination of allies and resources.

Making ETBE can stretch our domestic fuel supplies. Using our natural gas resources and increasing the output of our domestic refineries is an important part of our energy security strategy. Using natural gas as a liquid in existing vehicles will displace imports much faster than waiting for consumers to switch to dedicated natural gas fuel vehicles.

Recent University of Nebraska-Lincoln studies indicate that ETBE is several times less soluble than MTBE, and several times more biodegradable. Compared with MTBE, ETBE, and/ethanol mixtures are less likely to reach groundwater supplies, and are more easily removed by natural attenuation and bioremediation, according to preliminary study results.

As automakers continue to be burdened with reducing emissions, their ability to provide car that are cleaner, yet still guaranteed to perform, is challenged. ETBE helps automakers get cleaner fuels that have lower sulfur, less toxics and improved driveability index. While ethanol blends help in this area, automakers prefer the use of ethers such as ETBE.

The idea of ETBE is not new. In an effort to reduce the dangerously high levels of pollution in Paris, the French Parliament voted to have a renewable content standard for its gasoline. The choice to meet the new renewable standard—ETBE. Lyondell Chemical Company is the world leader in ETBE production technology. Other companies have also produced and sold ETBE in limited quantities in the United State. Amoco produced and sold ETBE at its Yorktown, VA, refinery for several years and marketed the blends on the East Coast. Lyondell Chemical, formerly Arco Chemical Co., the world's largest methyl tertiary butyl ether producer, has produced ETBE several times at its MTBE plants in the U.S. In fact, all of the MTBE plants in the United States could easily produce ETBE with only minor adjustments to optimize performance.

The use of MTBE in the reformulated gasoline program has resulted in growing detections of MTBE in drinking water. The majority of these detections to date have been well below levels of public health concern. Detections at lower levels have, however, raised consumer concerns about taste and odor.

The EPA Blue Ribbon Panel on Oxygenates considered the fuel applications and technical characteristics of MTBE and other ethers during public sessions in 1999. The panel concluded that ETBE and other ethers have been used less widely and studied less than MTBE. The panel's final report states that, ''To the extent that they have been studies, they (other ethers) appear to have similar, but not identical, chemical and hydrogeologic characteristics. The panel recommends accelerated study of the health effects and groundwater characteristics of these compounds. . .''

In response to anticipated questions abut the hydrogeologic characteristics of ETBE, the Department of Chemical Engineering at the University of Nebraska conducted preliminary research into the behavior of ETBE in water. The preliminary research suggests that ETBE's ubiquity properties are less

than half those of MTBE. In addition, a preliminary report by the University notes that existing literature suggests a faster degradation rate for ETBE than MTBE. The Nebraska Ethanol Board and several federal agencies have proposed additional research on the properties of ETBE.

Starting this year, federal Phase II reformulated gasoline, RVG, must deliver a four percent to seven percent reduction in $NO_X$ emissions relative to the 1990 baseline gasoline. ETBE is particularly well suited for meeting this requirement because ETBE can reduce aromatic content in RFG. Automobile $NO_X$ emissions decrease with increasing octane number and with decreasing aromatics content. ETBE fills the bill on both counts.

ETBE's higher octane—110–112 (R+M)/2—enables an RFG blender to substitute ETBE for aromatics, including benzene, as a source of RFG octane. Reducing aromatics content, in turn, reduces emissions of $NO_X$ and toxics, while improving driveability performance.

For U.S. Refiners, this means more reduction—via dilution—in the levels of aromatics, olefin, and sulfur, all of which are undesirable in RFG.

Petroleum use for transportation will remain one of the largest contributors of greenhouse gas emissions in the U.S. Through the year 2020, according to projections by the U.S. Department of Energy's Energy Information Administration. In 2020, petroleum will account for 42 percent of greenhouse gas emissions in the U.S., mostly for transportation use, according to the report. Overall, carbon emissions from energy use will increase at an average annual rate of 1.3 percent due to rising energy demand and slow penetration of renewable, DOE said in its Annual Energy Outlook: 2000 report.

Because ETBE is made from renewable ethanol and natural gas feedstock, it is superior in reducing greenhouse gas emissions. In addition, because the use of ETBE often replaces aromatics from the gasoline pool, its ability to reduce the harmful pollutants as well as greenhouse gas emissions from gasoline are improved.

As a result of the addition of renewable ethanol, ETBE is an oxygenated fuel. In addition, ETBE has a higher octane rating and lower Reid vapor pressure, RVP, than its competitor, MTBE. ETBE blended gasoline has several benefits:

The oxygen reduces carbon monoxide emissions.

The lower Rvp lessens pollution that forms ozone.

Simply through volumetric displacement, ETBE reduces sulfur, toxic substance and other harmful elements of gasoline.

The high octane rating reduces the need for carcinogenic hydrocarbons used to increase octane such as benzene, which cause cancers.

Due to ethanol's positive energy balance when produced from grain (1 to 1.3) and cellulose (1 to 2), it reduces greenhouse gases.

One of the primary reasons ethanol has difficulty competing in the federal RFG program is that it increases the volatility of gasoline. By turning ethanol into ETBE, this concern is eliminated. ETBE's blending properties are an excellent match for both engine and emissions performance, much better than replacing MTBE with more alkylates.

Another issue with ethanol is transportation. Currently in the U.S., ethanol blended gasoline cannot practically be shipped to markets via pipelines—the most common method of transportation for petroleum products. Gasoline blended with ETBE is compatible with the current gasoline distribution system, can be pipelined and stored with gasoline and will reduce the transportation and storage costs associated with ethanol usage.

ETBE can be blending at volumes of up to 17 vol%, with the possibility of the maximum blending being increased to 22 vol%, while straight ethanol is capped at 10 vol% and MTBE is limited to 15 vol%. This means that blending gasoline with ethanol can stretch our nation's gasoline supply further.

The higher allowable volume of ETBE means:

ETBE blends may prove to be the most cost-effective means of bringing the use of alternative fuels to the market place, consistent with new environmental and energy policy, EPACT, demands being placed on U.S. refiners.

ETBE blends contain more volume derived from renewable, domestic energy sources.

While ethanol plays an important role in the federal RFG program, its use is mostly confined to the few RFG areas in the Midwest. Through ETBE, ethanol use could expand to play a larger role in the RFG program as a whole.

If ETBE could capture only a small portion of the U.S. Gasoline market—for example a percentage of the RFG demand in the Northeast, where little of no ethanol is currently used—the increase in ethanol used in gasoline would be significant.

As much as 350 million gallons of new ethanol demand would be created if just 60 percent of the oxygenates used in the eight states of the Northeastern States for Coordinated Air Use Management, NESCAUM, were to use ETBE.

Along with the increase in ethanol use comes a likely increase in corn demand to produce the ethanol. More than 140 million bushels of corn would be required to meet the aforementioned ETBE demand.

ETBE has been in commercial production in Europe since the early 1990s. While France is the European leader for both the production and consumption of ETBE, other European countries are following. European policy makers prefer ETBE to MTBE because of its overall greenhouse gas reductions that come from its renewable ethanol content. ETBE is preferred over ethanol by European refiners because of better logistics and improved gasoline and drive ability quality.

In addition, more ether demand is expected with the new European cleaner-burning fuel legislation taking effect in 2000 and 2005.

The Clean Fuels Development Coalition is a non-profit organization dedicated to the development of alternative fuels and technologies to improve air quality and reduce U.S. Dependence on imported oil. The broad CFDC membership includes ethanol and ether producers, agricultural interests, automobile manufacturers, state government agencies, and engineering and new technology companies. Since its beginning in 1988, the coalition has become a respected source of information for state, local, and federal policy makers as well as private industry on a range of transportation, energy, and environmental issues.

## NOW IS NOT THE TIME TO RE-ENGAGE WITH THE INDONESIAN MILITARY

Mr. WELLSTONE. Mr. President, colleagues, I rise today to draw attention to a recent decision by the Administration to reinitiate military ties with the government of Indonesia. Despite congressional concerns, the U.S. navy, marines, and coast guard last week began a 10-day joint military exercise known as CARAT, Cooperation Afloat Readiness and Training, with their Indonesian military counterparts. Although the Administration sees this mission as a routine good-will mission, it is in fact the first time U.S. and Indonesian armed forces have worked together since the United States cut military ties with Indonesia last year. Colleagues, in case you don't recall, we cut those military ties after East Timor was devastated by Indonesian troops. We cut those ties because Indonesian soldiers are reported to have been active participants in a coordinated, massive campaign of murder, rape, and forced displacement in East Timor.

The administration's decision to go forth with a CARAT exercise again this summer is simply indefensible. Given the human rights violations committed by the Indonesian military in East Timor and the lack of accountability for them, and the Indonesian military's continued ties to militias in West Timor, one must ask not only the question why we are so eager to re-engage with this military at all, but why we feel compelled to do so now. Now is not the time to conduct joint exercises with the Indonesian military; now is the time to demand its accountability. To do otherwise is to tacitly condone its conduct.

Conditions continue to deteriorate in East Timorese refugee camps in West Timor and throughout the Indonesian archipelago. Up to 125,000 East Timorese still languish in militia-controlled refugee camps in West Timor almost one year after the people of East Timor voted overwhelmingly for independence from Indonesia. Many of the refugees wish to return home but are afraid to do so. Today refugee camps remain highly militarized, with East Timorese members of the Indonesian military living among civilian refugees. And despite promises by the Indonesian government to disarm and disband militias, there are credible reports of Indonesian military support for militia groups. These same militias have easy access to modern weapons. Earlier this month the U.N. High Commissioner on Refugees had to suspend refugee registration indefinitely due to violent militia assaults on its staff, volunteers and refugees, and though UNHCR has continued its work in other areas, UNHCR and other aid workers continue work under extremely dangerous conditions.

There has also been an upsurge in militia border incursions into East Timor with attacks on U.N. Peacekeepers and civilians. I regret to say that earlier this week a peacekeeper from New Zealand was shot and killed. Militia leaders, the Indonesian military, and the West Timorese press continue to sponsor a mass disinformation campaign alleging horrific conditions in East Timor and abuse by international forces. Further, Indonesia has yet to arrest a single militia leader or member of its military accused of human rights violations in East Timor. Instead of reinitiating joint military exercises and allowing the sale of certain

spare military parts, the Administration should increase its pressure on the government of Indonesia to fulfill past promises to disarm and disband militias in West Timor, and insure today that the Indonesian military is not linked to such militias. Militia leaders must be removed from refugee camps and those accused of human rights violations must be held accountable. Furthermore, Indonesia must make real its pledge to provide international and local relief workers safe and full access to all refugees.

There is currently considerable unrest throughout the Indonesian archipelago. Reports abound about the direct involvement of the Indonesian military in much of the violence. In the past nineteen months thousands of people in Maluku, also known as the Moluccan Islands, have been killed in fighting between Christians and Muslims. It is known that members of the Indonesian military supported and, in some cases, caused the violence. On July 18, Indonesia's Minister of Defense Juwono Sudarsono admitted that there were ''some or even many'' army members who have become a ''major cause of clashes'' in Ambon. Credible human rights organizations also report an escalation of violence in West Papua with the Indonesian military actively supporting East Timor-style militias there. Moreover, the Indonesian military has repeatedly broken a cease-fire in the province of Aceh.

Conditions in Indonesia are deteriorating. On Sunday U.N. Secretary General Kofi Annan told Indonesia's President Wahid that U.N. peacekeepers may be needed for the archipelago but President Wahid said his government could end the conflict by itself. He did note, however, that Indonesia's overstretched military might need logistical aid from friendly countries such as the United States. I worry that the decision the Administration has made to re-initiate military ties with Indonesia is sending the wrong signal to President Wahid. It should be made very clear to President Wahid that the U.S. will not provide assistance to Indonesia to do what it did before in East Timor.

Although I believe we should support Indonesia, we must recognize that the type of support we provide will directly influence the shape Indonesia takes in the future. The Administration has not only proceeded with the CARAT exercise despite congressional concerns but is moving ahead with ''Phase I'' of a three phase program of re-engagement with the Indonesian military. This could include the sale of certain spare military parts to Indonesia. Given the deteriorating conditions in Indonesia and the human rights record of Indonesian soldiers, do we really want to do this?

I rise today to urge my colleagues to voice their opposition to the CARAT exercise and to oppose any proposal for strengthening military ties with Indonesia in the near future. Again, I would like to make very clear that I believe the U.S. should support Indonesia but we must recognize that the type of support we provide now will directly influence the shape Indonesia takes in the future. Resuming a military relationship now not only threatens any future reforms in Indonesia but jeopardizes efforts already made to subjugate the Indonesian military to civilian authority. U.S. policy towards Indonesia should support democratic reform and demand accountability for those responsible for alleged human rights violations in East Timor and elsewhere. I fail to see how the CARAT exercise or lifting the embargo on military sales to Indonesia does either.

Mr. KERREY. Mr. President, I rise to talk about inter-generational issues related to Federal budget spending. We will never have a better time to consider such issues as inter-generational equity than now during a time of large projected surpluses. These large projected surpluses provide us with a great deal more flexibility in choosing among priorities and in determining our legacy to future generations.

Until recently, we were not so lucky. For more than thirty years, the budget projection reports from the Congressional Budget Office and the Office of Management and Budget were a source of growing despair for the American people. As each year went by, CBO and OMB would present worse news: larger deficits, larger national debt levels, and larger net interest payments. As the government's appetite for debt expanded, fewer and fewer dollars were available for private investment.

In the beginning, experts explained that deficits were a good thing because they stimulated economic growth and created jobs. Over time, however, the voices of experts opposed to large deficits grew louder; they argued that deficits caused inflation, increased the cost of private capital, mortgaged away our future—just at the time when we needed to be preparing for the retirement of the large Baby Boom generation. As the opinions of the experts shifted, so did public opinion.

During the 1980s and 1990s, the federal deficit became public enemy number one. Great efforts were made to understand it, to propose solutions to reduce it, and to explain how much better life would be without it. During election season, the air-waves were filled with promises and plans to get rid of the deficit and pay off the national debt. Editorial page writers reached deep into their creative reservoir to coin new phrases and create new metaphors to describe the problem. Books were published. Nonprofit organizations were created. Constitutional amendments were called for. There was even a new political party created on account of the deficit.

In the 1990s—and at great political risk—we finally started taking action to control the size of the deficits and the growth of the national debt. I am proud to have participated in and voted for three budget acts—in 1990, 1993, and 1997—which have radically altered the fiscal condition of the Federal government and the debate about how the public's hard-earned tax dollars should be spent.

The enactment of these three budget acts—particularly the 1993 and 1997 budget acts—coupled with impressive gains in private sector productivity and economic growth led to a remarkable reversal of our deficit and debt trends. Deficits started shrinking in 1994. We celebrated our first unified budget surplus of $70 billion in 1998. Over the next 10 years, if we maintain current spending and revenue policies, CBO projects an eye-popping unified budget surplus of $4.5 trillion. I am proud that we are able to celebrate the fruits of our fiscal restraint because we had the sheer will and political courage to put ourselves on a spending diet.

Today, however, I want to call your attention to what could be called the ''unintended consequences'' of our fiscal responsibility. Not only have we allowed total Federal spending to dip below 20% of GDP levels not seen since the mid-1970s), but we are also on course to let spending drop to 15.6% of GDP by 2010. We have not seen spending levels this low since the 1950s. At the same time as total spending is declining as a percentage of GDP, the make up of our Federal spending is continuing to shift insignificant ways. An increasingly larger proportion of our spending is used for mandatory spending programs compared to discretionary spending programs. These numbers have important implications for the measurement of inter-generational equity.

Now that we have constrained spending and eliminated our budget deficits, the budget debate has shifted to questions about how to spend the surplus: on debt reduction, on tax cuts, on new discretionary spending programs, on fixing Social Security, or on creating a new Medicare prescription drug benefit?

I favor all of these things to varying degrees, as I suspect most of you do. The trick is to find the right balance among these initiatives. In finding the right balance, I believe one of the most important criterion in determining how to use these surpluses should be measuring inter-generational equity. Not only do we need to assess the amount of money we invest on our seniors versus our children, but we also need to assess the trends of mandatory versus discretionary spending.

Let me start with my own assessment of Federal spending on children and seniors. Today, the Federal government spends substantially more on seniors over the age of 65 than it does on children under the age of 18. For example, in 2000, the Federal government spent roughly $17,000 per person on programs for the elderly, compared with only $2,500 per person on programs for children. This means that at the Federal level, we are spending seven times

as much as people over the age of 65 as on children under the age of 18.

Even when we consider that states are the primary funders of primary and secondary education, the combined level of State and Federal spending still shows a dramatic contrast in spending on the old versus the young. At the state and Federal level, we are still spending 2.5 times the amount of money on people over the age of 65 as on children under the age of 18.

Given these discomforting facts, it might seem logical that most of the current proposals for spending surplus dollars would be for investments in our children. Instead, this Congress has been proposing and voting to spend a major portion of the surpluses on the most politically organized voting bloc in the nation—those over the age of 65.

In the Senate alone, we have either acted on, or are expected to act on, the following proposals which directly benefit seniors only:

Eliminating the Social Security earnings test for workers over the age of 65 (10-year price tag: $23 billion)

Allowing military retirees to opt out of Medicare and into TriCare or FEHBP (10-year price tag: $90 billion)

Creating a new universal Medicare prescription drug benefit for seniors (10-year price tag: $300 billion)

Medicare provider ''give-backs'' package (10-year price tag: $40 billion)

Increasing the Federal income tax exemption provided to Social Security beneficiaries (10-year price tag: $125 billion)

If Congress actually enacted all of these popular provisions into law, spending for seniors over the next 10 years would increase by $578 billion—an amount equivalent to this year's entire discretionary spending budget.

At the same time as we are proposing, voting in favor of, and enacting legislation to improve benefits and tax cuts for seniors, we will be lucky to get legislation passed that will spend only an additional $10 billion on children under the age of 18.

Why? The answer is not simply because seniors are politically organized voters and children are not. We also have to look at how most programs for seniors are funded versus programs for children. As the members of the Senate are well aware, most programs for seniors are funded through mandatory/entitlement spending. Spending increases in these programs are not subject to the annual appropriations process and are protected by automatic cost-of-living-adjustments (COLA) each year.

The spending programs that primarily benefit our children, on the other hand, are discretionary, which means they are subject to the annual appropriations process. There are no automatic spending increases when it comes to programs for our kids. Instead, most programs for kids are held victim to politics and spending caps.

As a result, the proportion of Federal government spending on mandatory versus discretionary spending has undergone a dramatic shift. Back in 1965, the Federal government spent the equivalent of 6% of GDP on mandatory entitlement programs like Social Security and 12% of GDP on discretionary funding items like national defense, education, and public infrastructure. Put another way: 35 years ago, one-third of our budget funded entitlement programs and two-thirds of our budget funded discretionary spending programs.

The situation has now reversed. Today, we spend about two-thirds of our budget on entitlement programs and net interest payments and only one-third of our budget on discretionary spending programs.

I am particularly troubled by the decline in spending on discretionary spending initiatives. Although our tight discretionary spending budget caps were a useful tool in the past for eliminating deficits and lowering debt, they are not useful today in helping us assess the discretionary budget needs of the nation. Today, appropriated spending is contained through spending caps that are too tight for today's economic reality. We are left with a discretionary budget that bears little relationship to the needs of the nation and that leaves us little flexibility to solve some of the big problems that still need to be addressed: health care access for the uninsured, education, and research and development in the areas of science and technology.

The downward pressure on discretionary spending will become worse during the retirement of the Baby Boom generation—when the needs of programs on the mandatory spending side will increase dramatically. The coming demographic shift towards more retirees and fewer workers is NOT a ''pig in a python'' problem as described by some commentators whose economics are usually better than their metaphors. The ratio of workers needed to support each beneficiary does not increase after the baby boomers have become eligible for benefits. It remains the same.

In 10 years, the unprecedented demographic shift toward more retirees will begin. The number of seniors drawing on Medicare and Social Security will nearly double from 39 million to 77 million. The number of workers will grow only slightly from 137 to 145 million. Worse, if we continue to under-invest in the education and training of our youth, we will have no choice but to continue the terrible process of using H–1B visas to solve the problem of a shortage of skilled labor.

One of the least understood concepts regarding Social Security and Medicare is that neither is a contributory system with dedicated accounts for each individual. Both are intergenerational contracts. The generations in the work force agree to be taxed on behalf of eligible beneficiaries in exchange for the understanding that they will receive the same benefit when eligible. Both programs are forms of social insurance—not welfare—but both are also transfer payment programs. We tax one group of people and transfer the money to another.

The proportion of spending on seniors—and the proportion of mandatory spending—will most surely increase as the baby boomers become eligible for transfer payments. Unless we want to raise taxes substantially or accrue massive amounts of debt, much of the squeeze will be felt by our discretionary spending programs. The spiral of under-investment in our children and in the future work force will continue. Our government will become more and more like an ATM machine.

What should we do about this situation?

I recommend a two step approach. Step one is to honestly assess whether can ''cut our way out of this problem''. Do you think public opinion will permit future Congresses to vote for reduction in the growth of Medicare, Social Security, and the long-term care portion of Medicaid? At the moment my answer is a resounding ''no''. Indeed, as I said earlier, we can currently heading the opposite direction.

Step number two is to consider whether it is time for us to rewrite the social contract. The central question is this: Do the economic and social changes that have occurred since 1965 justify a different kind of safety net? I believe they do. I believe we need to rewrite and modernize the contract between Americans and the Federal government in regards to retirement income and health care.

We should transform the Social Security program so that annual contributions lead all American workers—regardless of income—to accumulate wealth by participating in the growth of the American economy. Whether the investments are made in low risk instruments such as government bonds or in higher risk stock funds, it is a mathematical certainty that fifty years from now a generation of American workers could be heading towards retirement with the security that comes with the ownership of wealth—if we rewrite the contract to allow them to do so.

Not only should we reform Social Security to allow workers to personally invest a portion of their payroll taxes, but we should also make sure those account contributions are progressive so that low and moderate income workers can save even more for their retirements. At the same time, it is important to make the traditional Social Security benefit formula even more progressive so that protections against poverty are even stronger for our low income seniors. Finally, it is important to change the law so that we can keep the promise to all 270 million current and future beneficiaries—and that will mean reforming the program to restore its solvency over the long-term.

In addition to reforming Social Security, we should end the idea of being uninsured in this nation by rewriting

our Federal laws so that eligibility for health insurance occurs simply as a result of being a citizen or a legal resident. We should fold existing programs—Medicare, Medicaid, VA benefits, FEHBP, and the income tax deduction—into a single system. And we should subsidize the purchase of health insurance only for those who need assistance. Enacting a Federal law that guarantees health insurance does not mean we should have socialized medicine. Personally, I favor using the private markets as much as possible—although there will be situations in which only the government can provide health care efficiently.

One final suggestion. With budget projections showing that total Federal spending will fall to 15.6% of GDP by 2010, I urge my colleague to consider setting a goal of putting aside a portion of the surpluses—perhaps an amount equivalent to one-half to one percent of GDP—for additional discretionary investments. Investments that will improve the lives of our children both in the near future and over the long term—investments in education, research and development, and science and technology.

Mr. President, I yield the floor.

## U.S. STRATEGIC INTERESTS IN ASIA

Mr. BIDEN. Mr. President, following the recent G–8 meeting in Okinawa and as we move closer to a vote on Permanent Normal Trading Relations with China, I want to briefly remind my colleagues of the importance of having a regional strategy for Asia.

There is a tendency to look at the Korean situation, the relationship between Taiwan and China, our presence in Japan, our presence in Guam, the situation in Indonesia, and so on as independent problems. Or, to just react to one situation at a time, with no overall understanding of how important the regional links and interests that exist are in shaping the outcome of our actions.

If we want to play a role in creating more stable allies in South Korea and Japan, and in ensuring that an ever-changing China is also a non-threatening China, then we must recognize that any action we take in one part of the region will have an impact on perceptions and reality throughout the region.

I do not intend to give a lengthy speech on this right now, instead I just want to draw my colleagues attention to an excellent letter that I received from General Jones, Commandant of the United States Marine Corps. He wrote to discuss just this need for a regional and a long-term perspective as we evaluate our presence in Okinawa.

I agree with him that we cannot shape events in the Asia-Pacific region if we are not physically present.

So, as we engage in debate over what the proper placement and numbers for that presence are, I urge my colleagues to approach that debate and the debate on China's trade status with an awareness of the interests of the regional powers and an awareness of our national security interests both today and in the future.

I ask unanimous consent that the letter from General Jones be printed in the RECORD following this statement.

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

*July 21, 2000.*

Hon. JOSEPH R. BIDEN, Jr.,
*Ranking, Committee on Foreign Relations, U.S. Senate, Washington, DC.*

DEAR SENATOR BIDEN, As the G–8 Summit approaches, the eyes of the world have turned to the Pacific island of Okinawa. Opponents of U.S. military presence there may seize the opportunity to promote their cause. I am well acquainted with the island, having visited it frequently, and wish to convey to you my sincere belief in its absolute importance to the long-term security of our nation.

Okinawa is strategically located. The American military personnel and assets maintained there are key to preservation of the stability of the Asia-Pacific region and to fulfillment of the U.S.-Japan bilateral security treaty. Okinawa's central location between the East China Sea and Pacific Ocean, astride major trade routes, and close to areas of vital economic, political, and military interest make it an ideal forward base. From it, U.S. forces can favorably shape the environment and respond, when necessary, to contingencies spanning the entire operational continuum—from disaster relief, to peacekeeping, to war—in a matter of hours, vice days or weeks.

We have long endeavored to minimize the impact of our presence. Working hand in hand with our Okinawan hosts and neighbors, we have made significant progress. In 1996, an agreement was reached for the substantial reduction, consolidation, and realignment of U.S. military bases in Okinawa. Movement toward full implementation of the actions mandated by the Special Action Committee on Okinawa Final Report continues and the commitment to reduce the impact of our presence is unabated.

Recent instances of misconduct by a few American service members have galvanized long simmering opposition to our presence. While those incidents are deplorable, they are fortunately uncommon and do not reflect the full nature of our presence.

Often lost in discussions of our presence on Okinawa, are the positive aspects of that presence. We are good neighbors: our personnel are actively involved in an impressive variety of community service work, we are the island's second largest employer of civilians, we infuse over $1.4 billion dollars into the local economy annually, and most importantly, we are sincerely grateful for the important contributions to attainment of our mission made by the people of Okinawa. We are mindful of our obligation to them.

It is worth remembering that U.S. presence in Okinawa came at great cost. Battle raged on the island for three months in the waning days of World War II and was finally won through the valor, resolve, and sacrifice by what is now known as our greatest generation. Our losses were heavy: twelve thousand killed and thirty-five thousand wounded. Casualties for the Japanese and for Okinawan civilians were even greater. The price for Okinawa was indeed high. Its capture in 1945, however, contributed to the quick resolution of the Pacific War and our presence there in the following half a century has immeasurably contributed to the protection of U.S., Japanese, and regional interests.

As you well know, challenges to military basing and training are now routine and suitable alternatives to existing sites are sorely limited. Okinawa, in fact, is invaluable. We fully understand the legitimate concerns of the Okinawan people and we will continue to work closely with them to forge mutually satisfactory solutions to the issues that we face. We are now, and will continue to be, good neighbors and custodians for peace in the region.

Very Respectfully,

JAMES L. JONES,
*General, Commandant of the Marine Corps.*

## THE INNOCENCE PROTECTION ACT OF 2000

Mr. LEAHY. Mr. President, at the beginning of this year, I spoke to the Senate about the breakdown in the administration of capital punishment across the country and suggested some solutions. I noted then that for every 7 people executed, 1 death row inmate has been shown some time after conviction to be innocent of the crime.

Since then, many more fundamental problems have come to light. More court-appointed defense lawyers who have slept through trials in which their client has been convicted and sentenced to death; more cases—43 of the last 131 executions in Texas according to an investigation by the Chicago Tribune—in which lawyers who were disbarred, suspended or otherwise being disciplined for ethical violations have been appointed to represent people on trial for their lives; cases in which prosecutors have called for the death penalty based on the race of the victim; and cases in which potentially dispositive evidence has been destroyed or withheld from death row inmates for years.

We have also heard from the National Committee to Prevent Wrongful Executions, a blue-ribbon panel comprised of supporters and opponents of the death penalty, Democrats and Republicans, including six former State and Federal judges, a former U.S. Attorney, two former State Attorneys General, and a former Director of the FBI. That diverse group of experts has expressed itself to be ''united in [its] profound concern that, in recent years, and around the country, procedural safeguards and other assurances of fundamental fairness in the administration of capital punishment have been significantly diminished.''

I have been working with prosecutors, judges and defense counsel, with death penalty supporters and opponents, and with Democrats and Republicans, to craft some basic commonsense reforms. I could not be more pleased that Senators GORDON SMITH, SUSAN COLLINS, JIM JEFFORDS, CARL LEVIN, RUSS FEINGOLD, and others here in the Senate, and Representatives RAY LAHOOD, WILLIAM DELAHUNT, and over 60 other members of both parties in the House have joined me in sponsoring the Innocence Protection Act of 2000.

The two most basic provisions of our bill would encourage the State to at

least make DNA testing available in the kind of case in which it can determine guilt or innocence and at least provide basic minimum standards for defense counsel so that capital trials have a chance of determining guilt or innocence by means of the adversarial testing of evidence that should be the hallmark of American criminal justice.

Our bill will not free the system of all human error, but it will do much to eliminate errors caused by the willful blindness to the truth that our capital punishment system has exhibited all too often. That is the least we should demand of a justice system that puts people's lives at stake.

I have been greatly heartened by the response of experts in criminal justice across the political spectrum to our careful work, and I would like to just highlight one example. A distinguished member of the Federal judiciary, Second Circuit Judge Jon O. Newman, has suggested that America's death penalty laws could be improved by requiring the trial judge to certify that guilt is certain. I welcome Judge Newman's thoughtful commentary, and I ask unanimous consent that his article, which appeared in the June 25th edition of the Harford Courant, be printed in the RECORD.

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

(See Exhibit 1.)

Mr. LEAHY. It is my hope that the national debate on the death penalty will continue, and that people of good conscience—both those who support the death penalty and those who oppose it—will join in our effort to make the system more fair and so reduce the risk that innocent people may be executed.

EXHIBIT 1

[From the Harford Courant, June 25, 2000]

REQUIRE CERTAINTY BEFORE EXECUTING

(By Jon O. Newman)

The execution of Gary Graham demonstrates the need to make one simple change in America's death penalty laws: a requirement that no death sentence can be imposed unless the trial judge certifies that the evidence establishes the defendant's guilt to a certainty.

Under current law, a death sentence requires first a jury's finding of guilt of a capital crime and then a jury's selection of the death penalty. In deciding both guilt and the death penalty, the jury must be persuaded beyond a reasonable doubt. That is a high standard, but it is not as high as a requirement that the trial judge certify that guilt is certain.

Experience has shown that in some cases juries have been persuaded beyond a reasonable doubt to convict and vote the death penalty even though the defendant is innocent. The most common reason is that one or more eyewitnesses said they saw the defendant commit the crime, but it later turned out that they were mistaken, as eyewitnesses sometimes are.

But when even one eyewitness testifies that the defendant did it, that is sufficient evidence for a jury to find guilt beyond a reasonable doubt, and neither the trial judge nor the appellate judges can reject the jury's guilty verdict even though they have some doubt whether the eyewitness is correct.

Our system uses the standard of proof beyond a reasonable doubt, rather than certainty, to determine guilt and thereby accepts the risk that in rare cases a guilty verdict might be rendered against an innocent person. Procedures are available for presenting new and sometimes conclusive evidence of innocence at a later time.

But with the death penalty, such exonerating evidence sometimes comes too late. Every effort should therefore be made to assure that the risk of executing an innocent person is reduced as low as humanly possible.

Requiring the trial judge to certify that guilt has been proven to a certainty before a death penalty can be imposed would limit the death penalty to cases where innocence is not realistically imaginable, leaving life imprisonment for those whose guilt is beyond a reasonable doubt but not certain.

Certification of certainty might be withheld, for example, in cases like Gary Graham's, where the eyewitness had only a fleeting opportunity to see an assailant whom the witness did not previously know, or in cases where the principal accusing witness has previously lied or has a powerful incentive to lie to gain leniency for himself.

On the other hand, certification would be warranted where untainted DNA, fingerprint or other forensic evidence indisputably proved guilt or where the suspect was caught in the commission of the crime.

In state courts (unlike Connecticut's) where judges are elected and sometimes succumb to public pressure to impose death sentences, certification of certainty might be entrusted to a permanent expert panel or might be made a required part of the commutation decision of a governor or a pardons board. In federal courts, the task could appropriately be given to appointed trial judges.

Even certification of certainty of guilt will not eliminate all risk of executing an innocent person. But as long as the death penalty is used this is a safeguard that a civilized society should require. Adding it to the innocence protection bill now being considered in Congress would help that act live up to its name.

## H1–VISAS

Mr. LEAHY. Mr. President, I rise today to comment briefly on the issue of H1–B visas. Like most if not all Democrats, I believe that the number of H1–B visas—which are used by foreign workers wishing to work in the United States—should be increased.

I also believe that we should address other immigration priorities. First, we should ensure that we treat all people who fled tyranny in Central America equally, regardless of whether the tyrannical regime they fled was a left-wing or a right-wing government. Congress has already acted to protect Nicaraguans and Cubans, as well it should. It is now time to apply the same protections to Guatemalans, Salvadorans, Hondurans, and also Haitians.

Second, we should prevent people on the verge of gaining legal permanent resident status from being forced to leave their jobs and their families for lengthy periods in order to complete the process. U.S. law allowed such immigrants to remain in the country until 1997, when Congress failed to renew the provision. It is now time to correct that error.

Third, we should allow people who have lived and worked here for 14 years or more, contributing to the American economy, to adjust their immigration status. This principle has been a part of American immigration law since the 1920s and should be updated now for the first time since 1986.

Vice President GORE shares these priorities, as reflected in a letter he wrote on July 26 to Congresswoman LUCILLE ROYBAL-ALLARD. In this letter, he endorses an increase in the number of H1–B visas and each of the three proposals I have outlined briefly here today. The Vice President's position on this issue is the right position, and it is the compassionate position. I urge the Senate to take up S. 2912, the Latino and Immigrant Fairness Act—a bill that would accomplish each of the three immigration goals I have just discussed—and pass it without further delay.

I ask unanimous consent that the letter be printed in the RECORD.

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

THE VICE PRESIDENT,
*Washington, July 26, 2000.*

Hon. LUCILLE ROYBAL-ALLARD,
*Member of Congress,*
*Washington, DC.*

DEAR LUCILLE: As Congress concludes this work period, with few legislative days left this session, I want to communicate my continued support for legislation addressing fairness for legal immigrants.

America's economic prosperity stems in large part from the hard work of American workers and the innovation offered by American firms. As a result of the longest period of economic growth in our history, it is not surprising that we have achieved record low levels of unemployment. This positive employment picture is especially true among highly skilled and highly educated workers. In some sectors of the economy, it appears there may be genuine shortages of highly skilled workers necessary to sustain our economic growth. As a result, our Administration has offered a series of proposals aimed at dramatic improvements in the education and training of American workers. These proposals ought to be enacted by the Congress to assure that any gap between worker skills and employer needs is addressed comprehensively.

I recognize that periodically American industry requires access to the international labor market to maintain and enhance our global competitiveness, particularly in high-growth new technology industries and tight labor markets. For these reasons, I support legislation to make reasonable and temporary increases to the H–1B visa cap to address industry's immediate need for high-skilled workers. However, this increase must also include significant labor protections for American workers and a significant increase in H–1B application fees to fund programs to prepare American workers—especially those from under-represented groups—to fill these and future jobs.

In addition, I support measures that provide fairness and equity for certain immigrants already in the United States. Therefore, as Congress considers allowing more foreign temporary workers into this country to meet employers' needs, I urge Congress to correct two injustices currently affecting many immigrants already in our nation. I want to urge Members to pass two important immigration proposals that have long been

Administration priorities—providing parity to Central Americans and Haitians under NACARA and changing the registry date to allow certain long-term migrants to adjust to legal permanent resident status. These proposals are much-needed and would restore fairness to our immigration system and American families. The registry date and the Central American and Haitian Parity Act proposals would provide good people who have developed ties to this country—families, homes, and roots in their communities—the opportunity to adjust their status. I am extremely disappointed that many in the Congressional majority seem intent on refusing to pass or even vote on these important immigration provisions. One way or another, however, the Congressional majority has an obligation to allow a vote on these issues and to join us in passing these measures of basic justice and fairness. The migrants and their families who would benefit from the registry date proposal have been in immigration limbo for up to two decades and are in desperate need of a resolution to their efforts to become full members of American society. In the case of Central Americans and Haitians, the parity provision would not only provide compassion and fairness for the affected immigrants, but also contribute to the stability and development of democracy and peace in their native countries.

I also urge Congress to pass and fund other Administration priorities that would address the needs of immigrants. Reinstatement of section 245(i) would allow families to stay together while an adjustment of status application is pending. The Administration's FY 2001 budget proposal would fund programs to ensure that immigrants' services have the resources needed to reduce the backlog of applications from people seeking naturalization and adjustment of status.

Finally, I urge Congress to fully fund the Administration's $75 million request for the English Language/Civics and Lifeskills Initiative that will allow communities to provide more English language courses that are linked to civics and lifeskills instruction to adults with limited English language proficiency. Immigrants are eager to learn English and all about civic responsibility, but the demand for programs outweighs the supply. We need to provide opportunities for these new Americans to become full participants in our society.

For these reasons, Congress should consider and enact these legislative proposals and fund the programs we requested. I commend your leadership in this area, and I look forward to working closely with you to enact these important immigration measures.

Sincerely,

AL GORE.

## 65TH ANNIVERSARY OF THE SOCIAL SECURITY PROGRAM

Mr. LEVIN. Mr. President, for more than 60 years, the Social Security program has been one of the most successful governmental initiatives this country has ever witnessed. August 14, 2000 marks the 65th anniversary of the Social Security Act, signed by President Franklin D. Roosevelt in 1935. This historic event in 1935 changed the face of America by providing protections for retired workers and for those who face loss of income due to disability or death of the family breadwinner. We must look to the future to ensure a strong Social Security program for every individual in America.

During the time of the Great Depression, jobs were scarce and many were unable to compete for new employment. President Roosevelt recognized that a change was needed, he called for reform and the Social Security Act was born.

Social Security has changed remarkably over the past six decades. Under the 1935 law, Social Security only paid retirement benefits to the primary worker. A 1939 change in the law added survivor benefits and benefits for the retiree's spouse and children. In 1956 disability benefits were added. Thus, we have seen how Social Security has grown to meet the needs of not only retirees, but also their families.

For many Americans, Social Security has become a crucial component of their financial well-being. In fact, an estimated 42% of the elderly are kept out of poverty because of their Social Security checks. Today more than 44 million people receive retirement, survivor, and disability benefits through the Social Security program, 1.6 million in Michigan. Social Security has had an enormous effect on the lives of millions of working Americans and their families.

As we celebrate this historic event, we remember what America was and how Americans have shaped their country into the prosperous nation that it is today. Since 1935 Social Security has served the American people well and will continue to do so into the future.

## VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 27: Jesus Campos, 19, Chicago, IL; Steven Conley, 29, Memphis, TN; Stephen Daniels, Jr., 24, Miami-Dade County, FL; Willie G. Dulaney, 68, Memphis, TN; George Julian, 83, Hollywood, FL; Javier Marrero, 18, Chicago, IL; Eric McAlister, 33, Dallas, TX; Charles Oliver, 50, Atlanta, GA; Deondra Stokes, 21, Detroit, MI; Barreto P. Williams, 26, Chicago, IL; Unidentified male, 25, Newark, NJ.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

## WELCOMING ZELL MILLER TO THE U.S. SENATE

Mr. REID. Mr. President, today we welcome a new colleague to this body, former Governor, now Senator ZELL MILLER. We welcome Senator MILLER at the same time that we mourn the passing of his predecessor, PAUL COVERDELL. So it is a bittersweet moment.

ZELL MILLER isn't replacing PAUL COVERDELL. He can't be replaced, rather, I prefer to think he is following the footsteps of a consummate and formidable legislator. I worked closely with Senator COVERDELL to move legislation when people thought legislation couldn't be moved. And I look forward to working with Senator MILLER in that same vain.

In thinking about what I would say about Senator MILLER's arrival to the senate, I ran across a quote by the great Senator J. William Fulbright. He talked about what it takes to be both a legislator and an executive and I think it is a fitting characterization of the work of both PAUL COVERDELL and ZELL MILLER.

Fulbright said: ''The legislator is an indispensable guardian of our freedom.'' ''It is true,'' he said, ''that great executives have played a powerful role in the development of civilization, but such leaders appear sporadically, by chance. They do not always appear when they are most needed. The great executives have given inspiration and push to the advancement of human society, but it is the legislator who has given stability and continuity to that slow and painful progress.''

ZELL MILLER, to borrow Senator Fulbright's eloquent words, appeared in Georgia when he was most needed. As Governor, he advanced the prospects of the people of Georgia by creating the HOPE scholarship program. The initiative was so successful that President Clinton and the Congress made the HOPE scholarship initiative a national program. As a result, not only do Georgians have the opportunity to pursue their dreams through higher education, so do millions of Americans.

Looking at his career, you learn that ZELL MILLER also understands Sam Rayburn's dictum that ''you cannot be a leader, and ask other people to follow you, unless you know how to follow too.'' Whether it was his service in Marine Corps, his tenure in the Georgia State Senate or as Lieutenant Governor or Governor, he learned leadership by following those who walked the walk before him and then by focusing on what matters most to the American people. The central focus of ZELL MILLER's career has been on what he aptly calls ''kitchen table issues.'' The issues that affect the daily lives of the American people—education, taxes, crime, and health care.

Some may be surprised to learn that ZELL is fulfilling a childhood ambition of serving in the U.S. Senate. According to a recent news report, he wrote to his boyhood friend, Ed Jenkins, in their high school yearbook that ''we will be friends forever until and unless you decide to run against me for the

U.S. Senate.'' His friendship with Ed Jenkins, someone with whom I served in the House, is still intact, and ZELL will start a new chapter in what has been an extraordinary career.

Finally, Mr. President, ZELL brings the attributes of both a legislator and an executive to the Senate and I believe they will serve him well. And like PAUL COVERDELL, who through his work brought stability and continuity to the Senate, I know that ZELL will bring great credit to this institution and will serve the people of Georgia well. We welcome him to the U.S. Senate.

## H–1B VISAS

Mr. WARNER. Mr. President, I rise today to express my frustration over the inability of the Senate to reach a unanimous consent agreement in regard to legislation that addresses the critical shortage of highly skilled workers in the information technology fields. On April 11, 2000, the Senate's Judiciary Committee favorably reported out S. 2045, The American Competitiveness in the 21st Century Act, by a vote of 16–2. I am pleased to be an original cosponsor of this important legislation. Unfortunately, this legislation is now being held hostage because some of my colleagues in the Senate wish to attach unrelated amendments to the bill.

There are very few remaining days left in this Congress. Before Congress adjourns for the year, we must pass the remaining appropriations bills, and have them signed into law. In addition, legislation extending Permanent Normal Trade Relations with China, and legislation reauthorizing the Elementary and Secondary Education Act, must be considered. Consequently, there simply is just not enough time for the Senate to debate numerous unrelated amendments on the H–1B visa bill.

Mr. President, our country's burgeoning economy has resulted in an extremely low unemployment rate nationwide. While I am proud of our economy, and our low nationwide unemployment rate, there does exist a tight labor market in many fields, especially the information technology fields. One need only look in the classified section of the Washington Post to see how many high-tech jobs are available in Northern Virginia. This tight labor market makes it difficult for the high-tech industry to fill job openings, and this difficulty is compounded by the fact that our American education system, for one reason or another, is not producing enough individuals with the interest and skills for employment in the information technology fields. If these jobs our not filled, our economy will suffer, and these American companies will move overseas to fill their jobs.

In 1998, Congress and the President recognized the serious effects that the tight labor market could have on the high-tech industry and our economy. In that year, Congress passed, and the President signed into law, legislation increasing the annual ceiling for admission of H–1B nonimmigrants from 65,000 to 115,000 in fiscal year 1999 and fiscal year 2000, and 107,500 in fiscal year 2001. This 1998 act also imposed a $500 per visa fee to fund training and scholarships for U.S. workers and students.

Nevertheless, despite increasing the H–1B ceiling just two years ago, that increase has proved to be woefully inadequate. In 1999, the H–1B visa ceiling was reached at the end of 9 months. This fiscal year, the ceiling was reached 6 months into the fiscal year. The effect of the H–1B ceiling being reached before the year's end is that these jobs will remain unfilled, which in turn will only hurt our economy.

The Senate Judiciary's Committee Report on S. 2045 states that the, ''shortage of skilled workers throughout the U.S. economy will result in a 5-percent drop in the growth rate of the GDP. That translates into approximately $200 billion in lost output, nearly $1,000 for every American.'' The Committee cites other studies that indicate that a shortage of information technology professionals is costing the U.S. economy as a whole $105 billion a year. I also found Federal Reserve Chairman Alan Greenspan's testimony before the Senate's Banking Committee quite compelling. Mr. Greenspan endorsed S. 2045 in response to a question from Senator PHIL GRAMM, and then stated that, ''The benefits of bringing in people to do the work here, rather than doing the work elsewhere, to me, should be pretty self-evident.''

Now, let me state clearly, it is my preference that these jobs in the information technology fields would be filled with Americans. However, due to the low unemployment rate and the lack of unemployed educated high-tech workers, filling the numerous openings in the information technology fields with Americans is simply not realistic. Therefore, to continue to propel our economy forward, we must pass legislation such as S. 2045 to fill these critical positions in our information technology sector.

This legislation, though, does more than just increase the number of H–1B visas to temporarily fill the job openings in the high-tech industry that cannot be filled by Americans. This bill contains very important provisions that continue the imposition of a $500 fee per H–1B visa petition. It is estimated that this fee, with the increase in the H–1B ceiling, will raise roughly $450 million over three years. This money will create 40,000 scholarships for U.S. workers and U.S. students, thereby helping them to choose education in these important fields. Our goal should be to fill these American jobs with trained American workers. These provisions of S. 2045 takes us toward that goal.

Mr. President, in closing, I cannot overstate how important it is for our country's economy to raise the ceiling on H–1B visas, and to provide funding for the training of Americans to fill these jobs. I implore my colleagues to reconsider their demand for votes on unrelated amendments on this legislation. At this late stage in the Congress, demanding votes on unrelated amendments on this legislation will kill this important bill, leave very important jobs in the information technology sector unfilled, and ultimately, hurt our economy.

## VISA WAIVER PILOT PROGRAM

Mr. WYDEN. Mr. President, I wish to explain to my colleagues the reasons for my objection to a unanimous consent request for the Senate to adopt legislation to make the Visa Waiver Pilot Program permanent, H.R. 3767. I do so consistent with the commitment I have made to explain publicly any so-called ''holds'' that I may place on legislation.

I regret that I am compelled to object to this measure at this point but I do so for reasons similar to those given previously. I believe the Senate should not allow the security of millions of rural Americans to be ignored while we press ahead with legislation to take care of immigration matters.

Since April, a prominent Senate Republican leader has had a de facto hold on a bipartisan bill of critical importance to the security of those who live in rural counties, S. 1608, The Secure Rural Schools and Community Self-Determination Act of 2000. But time is running out. It is the end of July; there are fewer than 26 legislative days left. People in rural counties across America who have strained under dwindling Federal resource funds need this legislation. They should not be made to wait.

S. 1608 addresses the problems 709 rural counties in 42 states face in trying to fund schools, roads and other basic county services with drastically declining Federal timber payments. These problems affect some 800,000 school children and millions of people. For example, Grant County in eastern Oregon has lost 90 percent of its timber receipts, forcing it to turn to a four-day school week as a cost-saving measure.

This bipartisan bill provides a balanced solution to the problem. The Energy and Natural Resources Committee reported it by voice vote, and it is supported by hundreds of counties, labor organizations, education groups, and the National Association of Counties. I regret having to take this action but am compelled at this point in the legislative year to seek every opportunity to move this critically important legislation.

## RURAL AMERICA PROSPERITY ACT OF 2000

Mr. BURNS. Mr. President, I rise today to express my support of the

Rural America Prosperity Act of 2000. I am pleased to be a cosponsor, along with my colleagues, Senators LUGAR, ROBERTS, and SANTORUM. I am a cosponsor of this bill because it gives our farmers some of the tools they need to succeed in today's economy and works to finish what was a key tool in our current agriculture policy.

In 1996, we passed a new version of the farm bill. This legislation began the process of eliminating government control over farmers. No longer did the government dictate what crops farmers could plant. Farmers could use their own discretion, honed by generations of living on the land, as to how their land and finances would be managed. The farm bill made numerous steps in the right direction, but there is more we can do. This, I believe, is a very important step to make this legislation better and more flexible.

This legislation takes us a few steps further down the road to better farming policy. It includes three important tax provisions that I feel are vital to the survival of Montana's and America's farmers. The first is the repeal of the estate tax, which would allow farms to be passed along to the next generation. Without the repeal, sons and daughters are forced to sell the only home they have ever known to pay the estate taxes, when their parents die. Family farms are disappearing fast enough without this added burden.

The second vital tax provision is the exclusion of capital gains from the sale of farmland. This simply puts farm owners on an even playing field with homeowners, who already benefit from exclusion of capital gains. The third tax provision lies in the area of health insurance. Farmers, and others who are self-employed, do not have health insurance provided for them. They must cover the full cost themselves. This legislation would give those who are self-employed a tax deduction for the cost of their insurance.

Farmers, more than any other sector of our economy are likely to experience substantial fluctuations in income. Market forces in farming are very unique: drought, flooding, infestation and disease all play a vital role in a farmer's bottom line. And it's not often when the elements of mother nature allow for a profitable harvest more than once in several years. I believe that farmers need to be able to smooth out fluctuations in their income in order to offset the effect of the high marginal tax rates that occur in years when both yield and prices are up. Income averaging is an important tool for farmers. Currently, alternative minimum taxes prevent many farmers from receiving the benefits of income averaging. This bill would fix that. Farmers will be able to put up to 20 percent of their annual farm income into a FARRM account that is deducted from their taxes.

As many of you know, while the rest of the economy is surging ahead, agriculture has been left behind in the dust. Prices are dropping, and farmers and ranchers are going out of business. We must assist in their survival and the development of new markets is an essential part of that survival. Imposing trade sanctions hurts American farmers and ranchers. Sanctions have effectively shut out American agricultural producers from 11 percent of the world market, with sanctions imposed on various products of over 60 countries. They allow our competitors an open door to those markets where sanctions are imposed by the United States. In times like these our producers need every available marketing option open to them. We cannot afford lost market share. Foreign markets offer a great opportunity for our agricultural products and negotiating trade agreements may put life back into our rural communities.

The farm bill took bold steps, but we cannot stop there. This legislation continues to make those steps towards a better situation for our farmers.

## IT IS TIME TO UPDATE THE MISSOURI RIVER MASTER MANUAL

Mr. JOHNSON. Mr. President, I am pleased to take this opportunity to join my colleagues to discuss the issue of how the Missouri River should be managed by the Corps of Engineers and to address the remarks made earlier this week by my friends and colleagues from Missouri, Senators BOND and ASHCROFT. This issue has come before the Senate because some of my colleagues from states downstream on the Missouri River are attempting to politicize the management of the River.

They are trying to politicize this issue by adding a rider to the Energy and Water Appropriations bill to prevent the Corps of Engineers from changing the 40 year old Master Manual that sets the management policy of the River.

Let me assure you and the rest of my colleagues that after 40 years, the management of the Missouri River is in serious need of an update to reflect the current realities of the River. As the discussion—and sometimes, heated debate—continues with respect to the Missouri River and its various uses, the Army Corps of Engineers has proposed a revision of the Master Manual which governs how the River is managed.

I was among those who first called for a revision of the Master Manual because I firmly believed then, as I do now, that over the years, we in the Upper Basin states have lived with an unfortunate lack of parity under the current management practices on the Missouri River. It is no secret that we continue to suffer from an upstream vs. downstream conflict of interest on Missouri River uses. For example, traditionally, navigation has been emphasized on the Missouri River, to the detriment of river ecosystems and recreational uses. I recognize that navigation activities often support midwestern agriculture, however the navigation industry has been declining since it peaked in the late 1970's. It is no longer appropriate to grossly favor navigation above other uses of the river.

Those of us from the upstream states have been working for more than 10 years to get the Corps of Engineers to finally make changes in the 40 year old Master Manual for the Missouri River.

After more than 40 years, the time has come for the management of the Missouri River to reflect the current economic realities of a $90 million annual recreation impact upstream, versus a $7 million annual navigation impact downstream. The Corps has been managing the Missouri River for navigation for far too long and it is time to finally bring the Master Manual into line with current economic realities.

As I stated earlier, the process to review and update the Master Manual began more than 10 years ago, in 1989, in response to concerns regarding the operation of the main stem dams, mainly during drought periods. A draft Environmental Impact Statement (DEIS) was published in September 1994 and was followed by a public comment period. In response to numerous comments, the Corps agreed to prepare a Revised DEIS.

After years of revisions and updates that have dragged this process out to ridiculous lengths, the Corps finally came forward with alternatives to the current Master Manual, including the ''split season'' alternative, which I strongly support, along with my colleagues from the Upper Basin states. Those of us from the States in the Upper Basin are determined to work aggressively for the interests of our region. For decades our states have made many significantly sacrifices which have benefited people living further south along the Missouri River.

Now is the time to finally bring an outdated and unfair management plan for the Missouri River up to date with modern economic realities.

## MOUNT HELM BAPTIST CHURCH

Mr. LOTT. Mr. President, today I rise to honor the oldest African-American church in the City of Jackson, Mississippi, Mount Helm Baptist Church. Not only is it the oldest African-American church, but it is also one of the oldest churches in the State of Mississippi. Throughout this year, Mount Helm will be celebrating its 165th Anniversary with a theme ''Celebrating Our Heritage: Anticipating Our Future''. This year's theme should be echoed in the hearts and minds of everyone. This church clearly exemplifies this theme. Mount Helm, which was founded in 1835, has continuously been a community leader and a strong advocate for Christianity and the spreading of the Gospel.

Prior Lee, a prominent Jacksonian, developed a deep interest in religion

and provided the resources for the construction of the First Baptist Church. After the church was completed, Lee persuaded the congregation to allow the African-Americans to hold their own worship services in the basement of the church. The Thirteenth Amendment, which abolished slavery, was ratified in 1867 and African-Americans withdrew from the First Baptist Church and erected their own church home, thus forming Mount Helm Baptist Church.

During its 165 years of existence, Mount Helm Baptist Church has had the leadership of 21 pastors. Mount Helm is currently being pastored by the Reverend John R. Johnson, Jr. Under his leadership, it has always been a pillar of faith and support to local churches and the surrounding community. The Thomas and Mary Helm family, motivated by a benevolent and sympathetic spirit, donated the land upon which African-Americans built their first church edifice.

The City of Jackson and the State of Mississippi are grateful for Mount Helm's Baptist Church leadership and accomplishments.

## THE BREAST AND CERVICAL CANCER TREATMENT ACT

Mr. ROBB. Mr. President, last month, the Finance Committee reported a bill by voice vote to provide treatment for low-income women identified as having breast or cervical cancer through a federal screening program. I rise today to urge the Senate to expeditiously take up and pass this legislation.

In 1990, the Senate unanimously approved establishment of the National Breast and Cervical Cancer Early Detection Program, a CDC program which has expanded screening for these diseases to over one million women. Unfortunately, after receiving diagnosis, many of these women find themselves without health insurance and with no one to turn to for treatment. This is unconscionable—it's time to finish the job.

Earlier this summer, I hosted women's health forums in Virginia to discuss with women health concerns of priority. Breast and cervical cancer survivors asked me to come to you and my distinguished colleagues and urge your support for swift passage of this legislation. I was pleased to support the bill in Committee, and I am happy to echo their words to you.

73 Senators have cosponsored this proposal and the House of Representatives, in May, passed companion legislation with overwhelming support. Mr. President, on behalf of all women, I urge the Senate to take up and pass this legislation as soon as possible.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 26, 2000, the Federal debt stood at $5,669,530,258,286.44 (Five trillion, six hundred sixty-nine billion, five hundred thirty million, two hundred fifty-eight thousand, two hundred eighty-six dollars and forty-four cents).

One year ago, July 26, 1999, the Federal debt stood at $5,636,526,000,000 (Five trillion, six hundred thirty-six billion, five hundred twenty-six million).

Five years ago, July 26, 1995, the Federal debt stood at $4,941,609,000,000 (Four trillion, nine hundred forty-one billion, six hundred nine million).

Ten years ago, July 26, 1990, the Federal debt stood at $3,164,872,000,000 (Three trillion, one hundred sixty-four billion, eight hundred seventy-two million).

Fifteen years ago, July 26, 1985, the Federal debt stood at $1,798,967,000,000 (One trillion, seven hundred ninety-eight billion, nine hundred sixty-seven million) which reflects a debt increase of almost $4 trillion—$3,870,563,258,286.44 (Three trillion, eight hundred seventy billion, five hundred sixty-three million, two hundred fifty-eight thousand, two hundred eighty-six dollars and forty-four cents) during the past 15 years.

# ADDITIONAL STATEMENTS

## TRUCK DRIVERS ACT OF HEROISM

• Mr. BURNS. Mr. President, today I would like to take the opportunity to say a few words of praise for an act of heroism displayed by a couple of long haul truckers earlier this month in my home state of Montana.

I came to the floor today to not only praise the good deed but to also support a mode of transportation that supports the economy of Montana and the entire nation.

As I have said, earlier this month in my home state of Montana a pair of truckers rescued four people from a car that had overturned in a ditch filled with flood water. The car, containing three people, was submerged underwater for at least three minutes after skidding off an eastern Montana highway during a flash flood which left only the car's tires above water.

Luckily for the passengers, a truck driver stopped just past the overturned car. The trucker backed his trailer off the road and over the bank risking his own safety and property. After securing a chain around the bumper of his trailer, he waded into the water, secured the other end around the car and pulled it back up onto the road. A second truck driver also stopped to assist.

I would like to recognize these unknown individuals for their heroism. Too often we take our nation's truckers for granted. It is continually becoming more and more difficult to make a living as a long haul trucker in this country considering fuel prices and regulatory factors. The high cost of fuel has hit this industry especially hard.

A proposal to drastically alter a trucker's drive and rest periods is being considered by the Administration. This proposal threatens not only to increase the costs of long haul truckers, it also threatens to keep them away from their families for longer durations. I think it is about time we take a long hard look at the important role these truckers play in our daily lives.

Whether it's a delivery to our local grocery or the transport of petroleum products, these truckers sacrifice time away from their families to make our lives easier and better. Mr. President, I would like to ask my colleagues to join me to ensure any hours of service proposal accomplishes three important goals: Ensure safety on our nation's highways; ensure truckers are not burdened with additional costs; and ensure the final ruling will allow truckers to spend more of their non-driving time at home with their families. The current proposal fails miserably to address these matters.

Again, I would like to personally thank and commend the two individual truckers for their heroism, but also commend all truckers for their hard work and dedication to safety on our highways.

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

## IN RECOGNITION OF MR. JAMES E. KELLEY

• Mr. BAYH. Mr. President, I rise today to recognize the humanitarian work of James Kelley of Fort Wayne, Indiana.

For many years, Mr. Kelley has been known for his successes as an entrepreneur and philanthropist in Indiana. He founded the Kelley Automotive group in 1952 which now employs over 1200 employees in both Indiana and Georgia. His dedication to public service has been evident through his service on the boards of the Fort Wayne Chamber of Commerce, Junior Achievement, Big Brothers and Big Sisters, the Boys and Girls Club of Fort Wayne, the YMCA, Fort Wayne National Bank, the Fort Wayne Aviation Museum, and the Arthritis Foundation.

Recently, Mr. Kelley has devoted his energies to developing a grain business in the Republic of Moldova. The Republic of Moldova is a small country approximately the size of Indiana with a population of 4.8 million people. Since the dissolution of the Soviet Union in 1991, Moldova has been struggling to successfully transition from a communist system to a democratic republic.

One of the greatest challenges facing this burgeoning country is that of economic development. In 1999 the per capita income in Moldova was only $2,200 and inflation was at 43 percent. Through his purchase of a grain elevator and his partnership with the farmers of Moldova, Mr. Kelley has been able to loan local farmers feed, fertilizer, and fuel. In the near future, he plans to introduce modern farming techniques that will increase crop

yields. The Kelley Grain company is considered to be one of the primary economic development initiatives in the nation, and Mr. Kelley's work has been recognized by both the former and current prime ministers of Moldova.

In addition to his economic endeavors, Mr. Kelley has taken his philanthropic activities abroad as well. While in Moldova, he noticed a deficiency in their health care system and organized a medical team to travel to Moldova. While there, this team trained physicians and nurses in techniques to implant pacemakers, provided much needed supplies for cardiovascular surgeries, provided consultation and echocardiographic imaging at the cardiology center, visited pediatric wards and orphanages, and provided the rural city of Gaushen with antibiotics, blood pressure cuffs, and antihypertensive medications.

I would like to commend James Kelley for his efforts and tireless dedication to helping the people of this struggling country. His humanitarian work in the Republic of Moldova can only enhance the relationship between our two countries. I am honored to be able to recognize his contributions and wish him continued success in the future.●

## HONORING THE CALL D.C.

● Mr. BROWNBACK. Mr. President, today, I rise to recognize The Call D.C., a group of young people who will gather in Washington, D.C. September 2, 2000 to strengthen and renew their commitment to God, their families and their local communities.

The Call D.C. is a non-denominational gathering of youth and their parents, youth leaders, pastors, and Church leaders who are unified in their steadfast commitment to strengthening their faith in God and their concern for their local communities and our nation.

I have long been greatly concerned about the state of our culture, and the state of our society. Young people today are barraged with images of violence, hate, and vulgarity that pour forth from our airwaves and our entertainment. The challenges young people face seem to grow more difficult, and more pervasive. Where once we, as a society, felt free to affirm faith in God, and adherence to high standards, such beliefs are now often called into question.

It is thus even more exciting to see many young people, such as these young people, who are willing to lead by example and focus their efforts on steadily improving their families, communities and our nation. These young people, who represent communities and religions from around our nation, will come together on September 2 and use their assembly as a time to pray for strengthen their faith in God, their commitment to their families through reconciling with their parents, and nurturing their walk with God.

These young people remind us of our solemn duty not just as parents, teachers, business leaders or public servants but as citizens of this great nation—''a nation under God . . .,'' I commend them for reminding us that we must first focus on God and he will strengthen us and enable us to build up our families, our local communities and our nation. I applaud all the participants of the Call D.C. and thank them for their work and their commitment and their heart for God.●

## ON THE MARRIAGE OF MARK PRESTON AND MEREDITH RAY BONNER

● Mr. L. CHAFEE. Mr. President, I rise today to congratulate Mark Preston and Meredith Ray Bonner on their recent wedding, which took place on July 8, 2000, at the Holy Spirit Catholic Church in Atlanta, Georgia. The groom's parents Eugene and Mary Preston were in attendance, as was the bride's mother, Mrs. Phillip Ray Bonner.

Mark proposed on December 28, 1999, in the same parking lot where they first kissed, and the couple spent their honeymoon in North Carolina.

As many of you know, Mark is the intrepid Roll Call reporter, famous for stalking unwary Members coming off the Senate floor or leaving the weekly policy lunches. Over time, Mark has become a fixture at the Ohio Clock and on the Hill.

The bride, now Meredith B. Preston, is also a journalist, and recently relocated to Washington from Atlanta. In fact, Mark and Meredith met as reporters at the Marietta Daily Journal.

I hope the entire Senate will join me in wishing Mark and Meredith the very best today and throughout the future.●

## COLOMBIAN INDEPENDENCE DAY

● Mr. TORRICELLI. Mr. President, I rise today to join people in New Jersey and throughout the nation in recognizing Colombia's 190 years of independence from Spain. On July 20, 1810, the citizens of Bogota created the first representative council to challenge Spanish authority. Total independence was proclaimed in 1813, and in 1819 the Republic of Greater Colombia was formed. In 1822, the United States became one of the first countries to recognize the new republic and to establish a resident diplomatic mission.

In addition to recognizing the day of Colombia's independence, this is an excellent opportunity to celebrate the contributions of the growing population of Colombian-Americans in New Jersey and throughout the United States. Almost 100,000 Colombian-Americans reside in Northern New Jersey alone. The Colombian-American culture is vibrant and rich and it is important to acknowledge the impact it is having on our communities.

While Colombia boasts one of the oldest democracies in South America, that democracy faces many serious challenges today. Celebrating this day of independence reminds us that Colombia has a long journey ahead as it works to overcome the problems of drug trafficking and rebel violence that continue to plague its society. The United States Congress is committed to helping in that struggle in any way we can.

I commend the great accomplishments and contributions of the Colombian-American community and as we join Colombian-Americans in celebrating their nation's independence we also look to establishing peace and justice in their homeland.●

## A TRIBUTE TO HENRI NSANJAMA

● Mr. JEFFORDS. Mr. President, today I rise to pay tribute to Henri Nsanjama, a champion of conservation who died on July 18, 2000. At the time of his death, Mr. Nsanjama was serving as vice president and senior advisor on Africa and Madagascar for the World Wildlife Fund here in Washington. Henri was an ardent supporter of measures to protect Africa's elephants and of the United Nations Convention to Combat Desertification. I worked with him on both of these important issues. Henri would have been pleased to know that the Senate Foreign Relations Committee is scheduled to vote in September to recommend that the full Senate ratify the Desertification Convention. So far, 168 countries have ratified the Desertification Convention and the U.S. is the only major industrial nation that has not done so. Henri worked hard to change that and ensure that biodiversity is protected in Africa and other parts of the world facing desertification.

A native of Malawi, Henri dedicated his life to the challenge of linking wildlife conservation with the needs of local communities. He believed that the most challenging aspect of his work was conserving wildlife without undue hardship to human beings.

Henri built his distinguished career through formal education and hands-on field work. He served as a Trainee Game Ranger in his native Malawi, where he recalled being inspired by the sight of more wild animals than people. He attended the College of African Wildlife Management in Mweka, Tanzania, and became a Warden at Kasungu National Park in Central Malawi.

Henri then moved to the United States, and earned a Bachelor's Degree in wildlife biology and natural resources economics at the University of Massachusetts at Amherst. After Amherst, Henri returned home to Kasungu National Park and eventually was hired as Malawi's Deputy Director of National Parks and Wildlife. Three years later, he attended the University of Stirling, Scotland, where he received a Master's Degree in environmental management.

Anxious to apply his new knowledge, Henri returned home once again to become the Director of National Parks and Wildlife for Malawi. He also served as the Coordinator of Wildlife Activities of the ten countries of the Southern African Development Coordination.

In 1989, Henri was nominated Chairman of the Standing Committee of the Convention on International Trade in Endangered Species, a post he held for a year before beginning work with WWF in 1990. Henri led WWF's program in Africa for 10 years. During that time he focused in particular on the areas of building the capacity of people and institutions to manage natural resources, community based natural resources management, protected areas management and species conservation. He was co-author of ''Voices from Africa: Local Perspectives on Conservation.''

A strong African voice for conservation, Henri also knew how to reach Americans. About Henri, Kathryn Fuller, President of WWF, said, ''Throughout his 10 years with WWF, Henri was an inspirational ambassador for conservation with the American public and our partners in Africa. He was also at the forefront of efforts to include women in conservation and increase their educational opportunities.''

Beyond his professional accomplishments, Henri is remembered as a gifted storyteller who touched the lives of everyone he encountered. In a profile five years ago, he was asked to describe his idea of perfect happiness. He answered, ''As a Christian, it's believing in what good was given to you and to be able to do good things for others. This is my 19th year of working in conservation. I've never done anything else and I never want to.''

In Henri's honor, the World Wildlife Fund will establish a fund to ensure that Africans are given the opportunity to care for and manage their natural resources, a fitting tribute for one who believed so strongly in the importance of empowering Africa's people to sustainably manage their natural heritage.

Henri's funeral in Malawi this week was attended by 3,000 people, including eight ministers of the Malawian government. He was clearly loved and respected by many and has left a lasting legacy of sustainable management of wildlife and wildlands in Africa. For this we should all be enormously grateful.●

## CARDINAL ROGER MAHONY

Mr. FEINGOLD. Mr. President, I have spoken several times on the floor this year about the flaws that plague our nation's administration of the death penalty. I am not alone in raising this issue. The American Bar Association, the Reverend Pat Robertson, the NAACP, the National Urban League, and many other organizations and individuals have added their voices to the chorus of voices supporting a moratorium on executions. A moratorium would allow time to review the system by which we impose the sentence of death. The National Conference of Catholic Bishops and United States Catholic Conference are among those groups who agree that it is time to pause.

I rise today to share with my colleagues the statement of Cardinal Roger Mahony, the Archbishop of Los Angeles. At the National Press Club here in Washington in May, Cardinal Mahony spoke eloquently in support of a moratorium on executions. He said, ''the time is right for a genuine and reasoned national dialogue.'' In a letter to me, he later said, ''the obvious inequities that surround the death penalty are truly shameful.''

I encourage my colleagues to take a moment to read his statement. And let us begin the reasoned national dialogue here, in the United States Senate. Mr. President, I ask that the full text of Cardinal Mahony's statement be printed in the RECORD.

The statement follows:

[The National Press Club Washington, DC, May 25, 2000]

A WITNESS TO LIFE: THE CATHOLIC CHURCH AND THE DEATH PENALTY

(Address by Cardinal Roger Mahony, Archbishop of Los Angeles)

Good afternoon. As I begin my remarks, I would like to thank John Cushman and the Board of Governors of the National Press Club for the invitation to speak before you this afternoon. I would also like to acknowledge the members of the United States Catholic Conference Committees on Domestic and International Policy as well as staff from the United States Conference who are joining me for today's program. Finally, I would like to extend a special welcome to Frank and Ellen McNeirney, the co-founders and co-directors of Catholics Against Capital Punishment.

I come to this prestigious forum as a pastor who has witnessed firsthand the irreparable pain and sorrow caused by violence in our communities and in our nation. I have presided at the funerals of police officers killed in the line of duty. I have sought to console and comfort families who have lost children to gang violence and drive-by-shootings. I have heard the concerns and fears of parents who live—day in and day out—surrounded by the violence that haunts their neighborhoods.

As a Catholic priest, I have seen the pain of those whose lives have been forever altered by the loss of a loved one to senseless murder. Their own struggles have tested not only their faith but the faith of those who walk with them. As their own quest for healing has brought them closer to God, their witness has been a light of hope to those who accompany them.

The cost of crime and violence is real. It is measured in the lives of parents, children, and families, not anonymous statistics. The hopes, dreams, and human potential that will never be realized are a loss to each one of us.

I believe the Gospel teaches that people are responsible for their actions. I believe that the reality of sin demands that those who injure others must make reparation. But I do not believe that society is make safer, that our communities are made whole, or that our social fabric is strengthened by killing those who kill others. Instead, the death penalty perpetuates an insidious cycle of violence that, in the end, diminishes all of us.

For many Catholics, Pope John Paul II's visit to the United States in January, 1999 was a turning point on this issue. In calling the abolition of the death penalty an authentically pro-life position, he challenged Catholics to protect not only innocent human life, as we do in opposing abortion and euthanasia, but also to defend the lives of those who may have done great evil by taking the life of another. To demonstrate this conviction in a dramatic and personal way, he appealed for the life of Darrell Mease whose execution was postponed in deference to the People's visit.

The words and actions of Pope John Paul II in St. Louis brought renewed attention to the debate on the death penalty. It provided renewed moral support to those who have worked tirelessly over the last several decades for an end to capital punishment, and placed the Catholic Church even more squarely on the side of those calling for its abolition.

In articulating a consistent ethic of life, the late Cardinal Joseph Bernardin provided the framework for a ''sustained moral vision.'' It now appears that this consistent moral vision is beginning to take root and gain ground. A recent article in America magazine notes that pro-life Catholics are far more likely to reject capital punishment than Catholics who do not embrace the Church's stand on abortion. Among these pro-lifers, fifty-two percent reject the death penalty while support among all Catholics—in 1998—remained at around 70 percent. While we still have work to do in our community, it is clear that this consistent ethic of life is resonating in the pro-life community.

I recognize that there are distinct differences between abortion and the death penalty. But like abortion, the death penalty remains one of the more contentious and volatile issues facing the nation. It is an issue steeped in deep emotion. It is a topic that evokes visceral responses from supporters and opponents alike. It is a debate that, unfortunately, often generates more heat than light, more passion than persuasion.

Among the signs that the nation as a whole may be taking a new look at the death penalty is a recent ABC poll that indicates support for the death penalty is a recent ABC poll that indicates support for the death penalty has dropped to 64 percent from nearly 70 percent just a few years ago. And in a Time magazine online poll, 43 percent of respondents expressed support for abolition of the death penalty.

This gradual shift is remarkable given that virtually no elected leader in the last decade has made the case against the death penalty. It is worth noting that in the last two elections, presidential candidates from both parties supported capital punishment. In some cases, candidates went to great lengths to advertise their supported capital punishment. In some cases, candidates went to great lengths to advertise their support throughout their campaigns. Both President Clinton and Governor Bush halted their presidential campaigns to reject appeals to delay executions in highly publicized cases.

In California, 565 inmates await execution on death row. Unfortunately, support for the death penalty is one of the few things that unites politicians of both political parties.

So the fact that, in the face of almost universal support among elected officials, the death penalty is slowly losing support among the public at-large is hope that the tide may be turning.

Movies such as ''Dead Man Walking'' and the ''The Green Mile,'' and TV shows such as

''The Practice'' and ''West Wing'' have brought the moral complexity of the issue to a much broader audience. The courage of Illinois Governor George Ryan and the work of lawyers, journalists and students have focused attention on the fact that innocent people are on death row.

In the midst of this debate, the most persuasive and challenging voices continued to be the victims. One of the most visible is Pope John Paul II. He has never fully recovered from the gun wounds that nearly killed him. But his own attack became an example for us all when he reached out in forgiveness to his assailant and called for the abolition of the death penalty. Other victims and families are less known, but no less inspiring or heroic.

There is Bud Welch, a Texaco dealer who lost his only daughter, Julie, in the bombing that destroyed the Oklahoma City Federal Building. He turned his own anger into a search for justice and reconciliation. He was denied an opportunity to testify at Timothy McVeigh's trial because of his opposition to the death penalty—a position that Julie also shared. Undeterred, he has carried his message to hundreds of groups arguing that capital punishment only deepens the emotional wounds opened by the initial act of violence. He has met with members of the Timothy McVeigh family knowing that they also suffer terribly from their son's crime.

The witness of Pope John Paul II, Bud Welch and others strikes me as the modern day embodiment of Jesus Christ's message of hope, forgiveness and reconciliation. It is an affirmation that the answer to violence cannot be more violence.

In the Catholic Church, teaching on the death penalty has developed over time. For centuries, the Church accepted the right of the state to take a life in order to protect society. But over time and in the light of new realities, Catholic teaching now recognizes that there are non-violent means to protect society and to hold offenders accountable. Church teaching now clearly argues for the abolition of capital punishment.

In the Catechism of the Catholic Church, the conditions under which a life can be taken—even to protect the lives of others—have been narrowed significantly. Specifically, the Catechism states:

''If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority should limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person.''

How do these principles that uphold human life and dignity apply to the complex matter of capital punishment? In reflecting on Catholic teaching, we must conclude that ''even the most hardened criminal remains a human person, created in God's image, and possessing a dignity, value, and worth which must be recognized, promoted, safeguarded and defended.'' Simply put, we believe that every person is sacred, every life is precious—even the life of one who has violated the rights of others by taking a life. Human dignity is not qualified by what we do. It cannot be earned or forfeited. Human dignity is an irrevocable character of each and every person.

In the last decade, the Holy Father has reminded us that the purpose of punishment should never be vengeance. Rather, it is a ''condition for the offender to regain the exercise of his or her freedom. In this way authority also fulfills the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behavior and be rehabilitated.

The Pope states that ''. . . the nature and extent of punishment must be carefully evaluated and decided upon, and ought not go to the extreme of executing the offender except in cases of absolute necessity; in other words, when it would not be possible otherwise to defend society.'' He goes on to say ''. . . as a result of steady improvements in the organization of the penal system, such cases are very rare, if not practically non-existent.''

The reality is that the penal system in the United States, perhaps better than all other countries, has the ability to permanently isolate dangerous individuals.

Now, even some death penalty supporters are becoming increasingly uncomfortable with the status quo. The arbitrary manner in which the death penalty is sometimes applied; the disproportionate number of racial and ethnic minorities and low-income persons on death row; the fiscal burdens borne by penal institutions; and, most disturbingly, the mounting evidence that innocent people have been convicted and sentenced to death—all these factors have sown considerable doubt in the minds of elected officials and the public at-large.

In many states, underfunded and overworked defense attorneys struggle to keep up with large caseloads. It is simply unacceptable that defendants charged with capital crimes should have to rely on counsel that is underfunded, inexperienced, or simply incompetent.

A wide range of voices is calling for an end to the death penalty or a moratorium on executions. Governor Ryan of Illinois, a supporter of the death penalty, suspended executions in his State until its capital punishment apparatus could be thoroughly examined. He has stated that he will reinstate the death penalty only if the commission studying the issue can provide a ''100 percent guarantee'' that the Illinois system is flawless.

In New Hampshire, the legislature last week passed a measure to ban capital punishment only to have it vetoed by Governor Jeanne Shaheen.

And in the Supreme Court, questions have been raised again about the circumstances under which death row inmates have been tried and sentenced.

In Congress, Senator Patrick Leahy and Representatives Ray LaHood and Bill Delahunt have introduced legislation that would, among other things:

Ensure that defendants have access to exculpatory DNA evidence when available;

Require states to provide competent defense counsel; and

Limit the federal government's authority to pursue the death penalty for federal crimes committed in states without capital punishment.

Senator Russell Feingold has introduced a bill to abolish the death penalty at the federal level and Representative Jesse Jackson, Jr. has joined him in introducing bills that would institute a moratorium on the use of the death penalty.

We support these and other bills that would end the death penalty or, at the very least, postpone or commute some sentences while exposing fundamental flaws in the current administration of capital punishment.

It is in this light that I have written today to Gray Davis, Governor of California, calling on him to institute a moratorium on the death penalty while the California system can be thoroughly assessed and the inequities, weaknesses, and biases in the process can be revealed fully.

All these initiatives, taken together, are signs of growing skepticism about the system under which the death penalty is currently applied. While I support these efforts, the long-term goal is not simply to make the application of the death penalty free from bias, inequity, or human error. Instead, these efforts should be steps towards a public dialogue that ultimately brings a permanent end to state executions. As the campaign to ban partial birth abortions has cast new light on the morality of abortion, these partial steps against the death penalty can create awareness of the fundamental moral problems with capital punishment. The time is right for a genuine and reasoned national dialogue.

A recently formed independent commission to study issues of procedure, innocence, and other legal aspects of the system is significant and my fellow bishop, Cardinal William Keeler of Baltimore, has agreed to serve on that commission. But we must expand the dialogue beyond the legal problems to address the moral and human dimensions of the death penalty. This dialogue should be happening not only in commissions, but also in our communities, in our churches and homes, and in newspapers and other public forums.

In the end, we are deceiving ourselves if we believe we can fix the current death penalty system to make it more humane and just. Social, political and economic factors make a complete overhaul of the system doubtful. Moral and ethical questions make such an endeavor impossible.

CONCLUSION

As we have pointed out in previous statements, the death penalty is further indication of a culture of violence that haunts our nation. Sadly, we are the most violent nation on earth not currently at war. It is reflected in our movies and music, our television and video games, in our homes, schools, and on our streets. More ominously, our society is tempted to solve some of our more significant social problems with violence. Consider this:

Abortion is promoted to deal with difficult or unwanted pregnancies.

Euthanasia and assisted suicide are suggested as a remedy for the burdens of age and illness.

Capital punishment is marketed as the answer to deal with violent crime.

A nation that destroys its young, abandons its elderly, and relies on vengeance is in serious moral trouble.

The Catholic Bishops of the United States join with Pope John Paul II in a recommitment to end the death penalty. Our faith calls us to be ''unconditionally pro-life.'' We will work not only to proclaim our anti-death position, but to persuade others that increasing reliance on capital punishment diminishes society as a whole.

In addition, we recommit to work with our community of faith to combat crime and violence, to turn our prisons from warehouses of human failure and seedbeds of violence, to places of rehabilitation and recovery. We will stand with victims of crime and seek real justice and accountability for them and their families.

Simple solutions rarely address difficult problems. What is needed is a moral revolution that results in genuine respect for every human life—especially the unborn and the poor, the crime victims and even the violent offender. In the end, our society will be measured by how we treat ''the least among us.'' It challenges each person to defend human life in every circumstance and situation. It calls on our leaders and the media to

seek the common good and not appeal to our worst instincts.

This is a time for a new ethic—justice without vengeance. Let us come together to hold people accountable for their actions, to resist and condemn violence, to stand with victims of crime and to insist that those who destroy community, answer to the community. But let us also remember that we cannot restore life by taking life, that vengeance cannot heal and that all of us must find new ways to defend human life and dignity in a far too violence society.

This will be a long struggle. It begins by raising new doubts about the death penalty. It will require new and more serious efforts to address crime and reform prisons. But in the end, we cannot practice what we condemn. We cannot defend life by taking life. We cannot contain violence by using state violence.

In this new century, we join with others in taking a prophetic stand to end the death penalty. In doing so, we hope to share a new vision of society that is unambiguous and consistent in its defense of life. It will demand the courage and faith of many to see us through a long and challenging process of dialogue and conversion. It is a challenge, however, that is worth our best efforts.

Thank you.●

## TRIBUTE TO MIKE AND JOANNE DUNCAN

● Mr. MCCONNELL. Mr. President, I rise today to recognize Mike and Joanne Duncan of Inez, Kentucky, for the successful internship program they continue to run for students in eastern Kentucky.

Mike and his wife Joanne founded an innovative summer-internship program in 1977 with the hope of encouraging young people to continue to work and live in their home state after college. To date, more than 100 people have participated in Mike and Joanne's program and have had the opportunity to intern at local businesses or participate in other leadership-building projects around the community. This program has given students a place to exchange ideas with each other and community professionals to help them prepare for their career. It is through experiences such as these that Mike and Joanne have helped to show interns that they can make a difference in their corner of the world. The program the Duncan's have created gives students an opportunity to see firsthand what the real, working world is like in their hometown and often results in the students' desire to return home after college to share their talents and skills with the community of their youth.

Mike and Joanne's work is known and appreciated throughout eastern Kentucky, and throughout the nation. In 1996, Mike was called the ''Mentor to Eastern Kentucky,'' by the Journal of the Appalachian Regional Commission. Also, the Los Angeles Times once described the internship program as being ''more akin to adoption.'' The impact of the Duncan's work reaches across county and state lines, and is surely an example for similar programs across the United States.

Mike and Joanne display an unswerving commitment to the people of Kentucky and possess the gratitude and respect of many. Their dedication to helping young Kentuckians succeed through countless hours of counseling and tutoring over the last 23 years is indeed admirable.

Congratulations, Mike and Joanne, on your tremendous success, and thank you for your many generous years of service to eastern Kentucky's youth. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.●

## A TRIBUTE TO HEIDI KIRK DUFFY

● Mr. REED. Mr. President, I rise today to congratulate Heidi Kirk Duffy upon her receipt of the Order of Merit of the Federal Republic of Germany, First Class.

Heidi was selected to receive the Order of Merit to recognize her ''outstanding contribution to the development of academic and economic interchanges between universities and companies of the United States and the Federal Republic of Germany.'' The Order of Merit will be bestowed upon Heidi in particular recognition of her commitment to the cultivation of a strong relationship between the University of Rhode Island's International Engineering Program and the Federal Republic of Germany.

A native of the Dusseldorf area, Heidi is currently the Chair of the Advisory Board of the University of Rhode Island's International Engineering Program. At the conclusion of this five-year program, graduates receive two degrees, one in English and the other in German. Recently, the University of Rhode Island has also added degrees in Spanish and French. This International Engineering Program is considered to be one of the most unique programs of its kind in American higher education.

Under her direction, the University of Rhode Island's Engineering Program provides both German and American students a global education. Due to Heidi's dedication and hard work, the Program has been truly successful in strengthening a transatlantic relationship between the United States and the Federal Republic of Germany.

Heidi was notified earlier this year by the Consul General of the Federal Republic of Germany, Dr. P.C. Hauswedell, that she had been selected to receive the Order of Merit. The Verdienstkreuz 1. Klasse des Verdlenstordens der Bundesrepublik Deutschland, as it is known in German, is one of the highest honors give to civilians by the Federal Republic. She will receive the Order of Merit on Friday, August 4th at ceremonies in her honor in the Rhode Island Capital.

I congratulate Heidi for her accomplishments and wish her luck as she continues in her endeavors.●

## THE BEST 100 COMMUNITIES FOR MUSIC EDUCATION IN AMERICA

● Mr. ABRAHAM. Mr. President, I rise today to recognize the Farmington Public School District of Farmington, Michigan, for its outstanding achievement in music education. It was ranked number one (along with Coppell, Texas) on the list of 100 best communities in America for school music programs. This is a very special honor which emphasizes the importance of arts education to the lives of our children.

The rankings were the result of a first-ever nationwide survey of more than 5,800 public schools and independent teachers, district administrators, school board members, parents, and community leaders representing communities in all 50 states. The web-based survey assessed many aspects of music education, such as funding, participation, student-teacher ratios, and quality of facilities. The results indicate that superior programs exist both in areas that possess a wealth of monetary and material resources, as well as in those that must rely on more innovative means of funding and implementing ambitious educational endeavors. The key element of success, found in each of the top 100 communities, is the dedication and support of parents, teachers, school decision-makers, and community leaders. This landmark survey highlights the efforts of people who truly value quality music education and strive to make it a reality for today's youth.

The partnership that sponsored the study was comprised of the country's top organizations devoted to music and learning. National School Boards Association President, Clarice Chambers, commented on the significance of the results: ''We already know that students who participate in music programs tend to be high achievers. Now we can use the data generated by this survey to identify the common characteristics of exemplary music programs. This information will be invaluable to school boards and communities as they go about the work of raising student achievement in their own school districts.'' Scientific research has revealed the impact of music education on a child's cognitive abilities, self-discipline, communication, and teamwork skills. The self-confidence gained through artistic accomplishment encourages kids to avoid drugs and alcohol and channel their energy into positive activities. Farmington's musical education program will serve as a model for shaping young lives in school districts across the nation.

I applaud the City of Farmington for the wonderful music education program that it has established. It has truly earned its status as America's best place for music education, and I am sure will be a leader in the cultivation of musical talent for many years. On behalf of the entire United States Senate, I congratulate the City of

Farmington, and wish the music education program continued success in the future.●

## CONGRATULATING DR. SAMIR ABU-GHAZALEH

● Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate Dr. Samir Abu-Ghazaleh, who has been appointed by President Clinton to the National Cancer Advisory Board. Dr. Abu-Ghazaleh is currently a gynecologic oncologist at the Avera Cancer Institute in Sioux Falls, South Dakota where he has been successfully serving the important health needs of the citizens in my home state.

Dr. Abu-Ghazaleh attended Nahara College and received a MB.B. from Ain Shams University Medical School, both in Cairo. He did his residency in OB–GYN in Yankton, South Dakota, at the University of South Dakota Affiliated Hospital, from 1972 to 1976. He also held a residency in gynecologic oncology at Duke University, from 1976 to 1978.

After finishing his schooling in medicine, Dr. Abu-Ghazaleh returned to South Dakota where he served as the Director of the OB–GYN Student Teaching Program from 1981 to 1985, and an Associate Professor from 1980 to 1985, at the University of South Dakota School of Medicine. When not practicing medicine, Dr. Abu-Ghazaleh is writing about it. He is the author of numerous articles on gynecology and oncology. The community in which he practices is important to him and he has hosted several workshops and presentations as a free service to inform the public and increase cancer awareness, particularly concerning women's health issues.

Dr. Abu-Ghazaleh is a member of the North Central Cancer Treatment Group, the Gynecologic Oncology Group, and the American College of Gynecologists. He has also been a member of the National Cancer Institute. Beginning in 1985, he has continued to serve as a Fellow of American College of Surgeons. Additionally, Dr. Abu-Ghazaleh has been a Fellow of the American College of Obstetricians and Gynecologists and Surgical Gynecologic Oncologists since 1980.

It is with great pride and pleasure that I rise in recognition to an outstanding health care provider, an honored member of the National Cancer Advisory Board, and a true asset to the state of South Dakota. He is a man who has dedicated his life to helping others and providing education on the serious illness of cancer. Again, congratulations to Dr. Samir Abu-Ghazaleh. I trust the Advisory Board will find him a valuable asset and a skilled advisor.●

## A TRIBUTE TO FRANCIS SCOTT KEY ON THE OCCASION OF HIS BIRTHDAY, AUGUST 1, 1779

● Mr. L. CHAFEE. Mr. President, one of my constituents, Virginia Louise Doris of Warwick, RI, has written a beautiful poem that commemorates the life of Francis Scott Key, and his steadfast efforts in penning what has become the words of our National Anthem. Last year I was pleased to share with my colleagues a poem she wrote about the valiant soldiers of World War II. Today, after reading her latest poem, I thought it would be appropriate to share her heartfelt words.

Virginia Doris has informed me that she has worked for many years researching the life of Francis Scott Key, and has written a monograph compiling her findings. Her dedication to bringing recognition to this great American is indeed inspiring. I thank her for sharing the poem with me, and wish her continued success in sharing the worthy story of her hero, Francis Scott Key.

I ask that a copy of Virginia Doris' poem appear at this point in the RECORD.

The poem follows:

POEM IN HONOR OF FRANCIS SCOTT KEY
(By Virginia Louise Doris)

Anthem, Mighty Anthem! Our voices resound,
Poem by God's blessing, unsceptered, uncrowned!

Anthem, Sacred Anthem! Our pulses repeat,
Warm with the life-blood, as long as they beat!

Listen! The reverence of his soul imbued
doth thrill us still,
In the old familiar places beneath their emerald hill.

Here at this altar our vows we renew
still in thy cause be loyal and true—
True to thy flag on the field, and the wave,
living to honor it, dying to save!

Wake in our breast the living fires,
the Holy faith that warmed our sires,
Thy spirit shed through every heart,
to every arm thy strength impart!

Our lips should fill the air with praises, and
pay the debt we owe,
So high above his hymn we raise the floods
of garlands flow.

Harken! The reverence of his soul imbued
doth thrill us still,
In the old familiar places beneath their emerald hill.

Anthem, Mighty Anthem! our voices resound,
Poem by God's blessing unsceptered uncrowned!

Anthem, Sacred Anthem! our pulses repeat,
Warm with the life-blood, as long as they beat!●

## HONORING THE CLASS OF 1965 THE FLETCHER SCHOOL OF LAW AND DIPLOMACY

● Mr. REID. Mr. President, the Fletcher School of Law & Diplomacy was created in 1933, to be administered jointly by Tufts University and Harvard University, to offer a broad program of professional education in international affairs to a select group of graduate students, who desired to pursue careers in the U.S. State Department, the United Nations, and other public and private entities, organizations, and agencies that are involved in various aspects of international affairs: and

The Class of 1965 of said Fletcher School is celebrating its 35th reunion on August 19, 2000, to commemorate the achievements of members of that class. The members of the 1965 class have served with distinction in promoting world peace and harmony and working in many different places around the world, in a variety of professional, business, and public service positions to promote: freedom through international cooperation and effective defense policies; prosperity by means of international trade; democracy in new and developing nations by helping people understand how to build socially responsible societies based on democratic principles; and justice through the promotion of a better global understanding of the destiny of humankind to live in freedom from fear, hunger, want, and disease; and

Many in the Class of 1965 have served both in the U.S. Foreign Service, as well as in various positions in the U.S. Congress; and others have served in a variety of capacities in federal and state agencies, helping the United States to fulfill its role of leadership and responsibility in the world community.

I commend the Class of 1965 for the achievements and contributions that its members have made to promote better understanding among the people of the world and to bring hope to those who seek a better life for all the world's citizens. The United States Senate congratulates the class of 1965 of Fletcher School of Law and Diplomacy on its 35th reunion and conveys best wishes to its members for good health, prosperity, and much happiness in the years to come.●

## TRIBUTE TO RICHARD CYR—JACQUELINE KENNEDY ONASSIS AWARD WINNER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Richard Cyr upon receiving the Jacqueline Kennedy Onassis Award for outstanding public service.

In a time where random acts of kindness seem to be waning, Richard has proven that kind souls are still in abundance. He has established one of the most important volunteer efforts in the state, if not the country. Richard formed David's House, a program for the parents of sick children that provides much-needed support and love during critical times of treatment programs. It is this tireless dedication to helping others that garnered Richard a national award for this efforts.

Richard understood how difficult it was for families of sick children to remain close to their loved ones without having to add hotel costs to the growing number of bills. He was in the same situation himself when his foster child, David, became ill with acute lymphocytic leukemia. Richard spent countless nights sleeping in his car or in the hospital lobby to be closer to his child. After David's death, he decided

that a safe refuge for families was necessary during illness.

David's House gives parents the ability to concentrate on their children without worrying about where to sleep, eat or shower during hospital visits. The House is staffed entirely by volunteers and receives donations from private sources. After fifteen years of operation, David's House has assisted hundreds of families and eased the pain of coping with illness. Such stability and growth is a testament of the true importance and need for institutions like David's House.

Richard's dedication to helping others in a grave time of need is truly inspirational. It is an honor to represent him in the United States Senate.●

## TRIBUTE TO THE BELKNAP COUNTY ECONOMIC DEVELOPMENT GROUP

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Belknap County Economic Development Group for receiving the 2000 United States Small Business Administration's New Hampshire ''Financial Services Advocate of the Year'' award.

Financial service advocates play an integral role in the success of a small business, particularly in their assistance with access to credit. The Belknap County Economic Development Group is no exception. They have been assisting small businesses in surrounding communities with great success since 1992.

Initially formed to address economic issues plaguing the area at the time, it later expanded to assisting small businesses struggling to get off the ground. It currently operates a revolving loan fund and two micro-lending programs, as well as provides technical assistance and counseling.

As a former small business owner in the state, I commend the Belknap County Economic Development Group for their hard work and dedication. It is truly an honor to represent them in the United States Senate.●

## TRIBUTE TO RUTH GRIFFIN—2000 CITIZEN OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Ruth Griffin for being named the ''2000 Citizen of the Year'' by the Greater Portsmouth Chamber of Commerce.

Ruth's dedication to the citizens of Portsmouth and its surrounding communities has spanned an impressionable thirty years. She exemplifies what is good about today's society and proves that everyone can become involved in his or her community in some small way. Ruth genuinely cares for the people of the seacoast and thinks of everyone as her children to some degree. Her unfaltering commitment to assisting those in need or in crisis has touched the lives of many and garnered her an award for her efforts.

Aside from participating in countless community service events and programs, Ruth served on the Portsmouth School Board and the Police Commission. She extended her service beyond the seacoast to all of New Hampshire by serving terms in the New Hampshire State House and Senate. She currently serves as one of the governor's executive councilors. Ruth gives one hundred percent of her time and efforts to bettering the lives of those less fortunate. Her kind-hearted care and concern for the well-being of all she encounters proves her deep commitment to making New Hampshire a better place to live. Such dedication to her community and state is heart-warming and truly inspirational in a time where civic responsibility seems to be waning.

It is citizens like Ruth who make our communities stronger and exemplify what is good about America today. It is an honor to serve Ruth in the United States Senate.●

## TRIBUTE TO BRETT MURPHY ON BEING NAMED PRESIDENTIAL SCHOLAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Brett Murphy of New Ipswitch, New Hampshire, for being selected as a 2000 Presidential Scholar by the United States Secretary of Education.

Of the over 2.5 million graduating seniors nationwide, Brett is one of only 141 seniors to receive this distinction for academics. This impressive young man is well-deserving of the title of Presidential Scholar. I wish to commend Brett for his outstanding achievement.

As a student at Saint Bernard's Central Catholic High School in New Hampshire, Brett has served as a role model for his peers through his commitment to excellence. Brett's determination promises to guide him in the future.

It is certain that Brett will continue to excel in his future endeavors. I wish to offer my most sincere congratulations and best wishes to Brett. His achievements are truly remarkable. It is an honor to represent him in the United States Senate.●

## TRIBUTE TO JAY BORDEN—2000 ENTREPRENEUR OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Jay Borden, for his recognition as the 2000 Entrepreneur of the Year by the New Hampshire High Technology Council.

Jay is the President and CEO of Granite Systems, Inc., a leading provider in configuration management solutions to the telecommunications industry worldwide. His company is a rapidly growing success because of its innovative approaches to supporting a wide array of network technologies. This allows Granite Systems the chance to do business with a wider spectrum of clients and to solidify their golden reputation in the fast-paced world of telecommunications technology.

Under Jay's strong leadership, his company has maintained a policy of 100 percent employee stock participation, a program intended to create a real difference for all employees if the company reaches its valuation and liquidity goals. He is truly dedicated to furthering the creative development of his employees through work-conducive programs. Because of the examples Jay has set for others, his employees are also deeply committed to high quality service and products.

Jay's sharp business skills and telecommunications experience prove to be just the right combination for a business that shows its success not only in dollar figures, but in the contributions it makes to leading new technologies. His commitment to the advancement of New Hampshire's technological economy is truly commendable. It is companies like Jay's that prove New Hampshire's true competitiveness in the technological field. Jay, it is an honor to represent you in the United States Senate.●

## TRIBUTE TO KRISTINE WEST—AMERICAN LEGION LADIES AUXILIARY NATIONAL PRESIDENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Kristine West for her recent selection as National President of the American Legion Auxiliary.

Kristine's commitment to public service as a member of the American Legion Auxiliary is evident through her long list of accomplishments. In a time where civic duties seem to be waning, Kristine exemplifies true civic pride and involvement. Not only has she been an active member of the Ladies Auxiliary for over 20 years, she has given freely of her time to the town of Sutton as a member of the North Sutton Improvement Society and the Sutton Historical Society; working to better New Hampshire's scenic and historic heritage for all Granite Staters.

Kristine was a member of the American Legion Department of New Hampshire for five years before moving on to national level work. Her ten years of experience as chairwoman of various national committees proves that she is more than capable of handling the position of President. Her commitment to such organizations as Habitat for Humanity, the Education Committee and the Community Service Committee prove her strong dedication to helping surrounding communities and individuals in need.

Kristine's hard work, determination and energy are truly commendable. Her deep concern for the common good is admirable. She has truly demonstrated the qualities of strong leadership which will take her far in her new position. It is an honor to represent her in the United States Senate.●

## TRIBUTE TO LAUREN E. SIROIS ON BEING NAMED PRESIDENTIAL SCHOLAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Lauren E. Sirois, of Salem, NH, for being selected as a 2000 Presidential Scholar by the U.S. Secretary of Education.

Of the over 2.5 million graduating seniors nationwide, Lauren is one of only 141 seniors to receive this distinction for academics. This impressive young woman is well-deserving of the title of Presidential Scholar. I wish to commend Lauren for her outstanding achievement.

As a student at Phillips Academy in New Hampshire, Lauren has served as a role model for her peers through her commitment to excellence. Lauren's determination promises to guide her in the future.

It is certain that Lauren will continue to excel in her future endeavors. I wish to offer my most sincere congratulations and best wishes to Lauren. Her achievements are truly remarkable. It is an honor to represent her in the U.S. Senate.•

## TRIBUTE TO MARK F. LEVENSON, DIRECTOR OF THE MANCHESTER VA MEDICAL CENTER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mark Levenson upon being appointed the Director of the VA Medical Center in Manchester, NH.

As director, Dr. Levenson will have the responsibility of leading the VA Medical Center into the 21st century. The level of dedication and commitment required by such a prestigious position would seem overwhelming to many, yet Dr. Levenson has proven himself willing and capable of providing the best leadership for the center.

Prior to his appointment as the director for the VA Medical Center, Dr. Levenson served as the acting director of the center. During that 22 month period, Mark dedicated his time to improving medical care access for veterans. His efforts to expand clinics in Manchester and Portsmouth are just some examples of his loyalty and commitment to America's veterans.

Dr. Levenson has used each and every day of his career with the VA Medical Center to remind his peers and the surrounding community of their commitment to those men and women who served our great nation.

As a veteran of the U.S. Armed Forces and a friend of the VA Medical Center, I salute the selfless efforts of Dr. Levenson. His leadership will prove invaluable as he assumes the position of director, and I wish him all the best in his endeavors. It is truly an honor to represent Dr. Levenson in the U.S. Senate.•

## TRIBUTE TO MARY NOUCAS—OUTSTANDING VOLUNTEER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mary Noucas, for her recognition as an Outstanding Volunteer by the New Hampshire Partners in Education.

In a world full of waning civic responsibility, it is always heartwarming to hear of selfless citizens devoting time to their communities. Mary's tireless dedication to Portsmouth schools has garnered her state-wide recognition for her efforts. She initially started working at the Dondero Elementary School when her children started kindergarten seven years ago in order to become more fully involved in their education. She offered to sign up for everything to get to know the teachers and the parents better, and hasn't stopped since. Her work now stretches to other schools in the area as well.

Mary has established a number of successful programs at the school, such as the Class Popcorn Giveaway and the Magical Mailbox program, heads numerous committees, and has overseen countless art shows, bake sales and book fairs. She puts together the middle school newsletter and continues to do publicity for the elementary school. She truly enjoys volunteering and cites her love of children as the driving force behind her efforts.

Mary's work is truly inspirational and typifies what is good about American citizens today. Without the help of dedicated volunteers, our schools would not be able to run smoothly, and it is the children who ultimately would suffer. It is truly an honor to represent her in the U.S. Senate.•

## TRIBUTE TO McLANE, GRAF, RAULERSON AND MIDDLETON—NH BUSINESS IN THE ARTS AWARD WINNER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to McLane, Graf, Raulerson and Middleton upon their recognition as a 2000 New Hampshire ''Business in the Arts'' award winner in the medium-sized company category.

The firm has been a long time contributor to the development of the arts in New Hampshire. They not only donate time and money to various arts events, but they have established themselves on numerous boards and sponsorships and are well-known for distributing complimentary tickets to clients and friends. This extensive sponsorship of different arts programs is carried out on a more personal level by the firm's employees, whose individual contributions of time and money make a significant impact on the organizations they support.

The firm has placed a considerable interest in promoting musical events throughout the State, and avidly supports the Opera League of New Hampshire, the New Hampshire Symphony Orchestra, the Portsmouth Music Hall, the Concord Community Music School and the Nashua Symphony, to name a few. Their list of achievements stretches even further to other venues of the arts as well, such as the Palace Theater in Manchester, the Currier Gallery of Art and Strawbery Banke, a historical site in Portsmouth.

This strong commitment by the firm to providing the opportunity for arts programs to come to the State is truly commendable. The firm understands the true importance of the arts in communities, and without their generous support, these programs would not be possible. The firm has taken on new projects, most notably a year 2000 celebration with cultural activities such as a Black Heritage Trail and a YMCA art auction. These sort of events enrich the lives of the entire community and prove that private businesses can indeed make a huge impact on bringing the arts to all citizens. It is an honor to serve the firm and its employees in the U.S. Senate.•

## TRIBUTE TO J. MICHAEL HICKEY, 2000 YANKEE AWARD RECIPIENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Michael Hickey, for his recognition by the Yankee Chapter of the Public Relations Society of America as the 2000 Yankee Award Recipient.

Mike is the president and CEO of Bell Atlantic New Hampshire, a company that faithfully upholds the ideals of corporate responsibility, good citizenship and core values. Mike has taken the role of CEO to a whole new level of relationship building by embracing those around him, not only within his company, but within the surrounding community as well. He consistently works hard to ensure that all employee and business concerns are met and addressed. It is his dedication to relationship building that exemplifies what public relations is all about.

Mike is an extraordinary leader who leads by example, most notably by his involvement with numerous non-profit organizations. As chairman of Kids Voting New Hampshire and the former campaign chairman of the Greater Manchester United Way, Mike demonstrates the importance of civic responsibility and giving back to the community. He listens carefully to others and diligently tries to bring the disenfranchised into the inner circle. He makes people feel included and valued. His board membership in the Greater Manchester Chamber of Commerce, the NH Business & Industry Association, and the NH High Tech Council prove his true commitment to the advancement of New Hampshire's businesses and economy. He is the type of leader who encourages those around him to give above and beyond one hundred percent of themselves. As a result, Bell Atlantic sponsors a number of community events aimed at educating and guiding youths and adults throughout the state, such as the Smithsonian

Folklife Exhibit from New Hampshire and the Celebrate New Hampshire Culture Festival.

Mike's hard work, determination and ability to motivate those around him to reach greater heights are truly commendable. His strong concern for the common good is admirable. He has truly illustrated the qualities of strong leadership and interpersonal relationship skills. Mike, it is an honor to represent you in the U.S. Senate.●

## TRIBUTE TO LAUREN JENNIFER MEEHAN—MISS NEW HAMPSHIRE 2000

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor a young woman who has given selflessly to her community, inspired her peers and has been chosen to represent the great state of New Hampshire in the Miss America pageant in 2000, Lauren Jennifer Meehan.

Lauren, crowned both Miss Lakes Region and Miss New Hampshire, is a 1998 graduate of Nashua Senior High School. Not only did she graduate in the top ten percent of her class, she went on to continue her education at the University of New Hampshire, where she is a sophomore majoring in molecular, cellular, and developmental biology. In addition to her premedical program course work, she minors in English as well.

Despite a double major and challenging courses, Lauren finds time for her singing passion, performing with the All-State Classical Choir for the past 3 years, and she gives back to the surrounding community through her involvement as a kindergarten catechism teacher at St. Thomas Moore Parish, as well as a Wentworth Douglas Emergency Room volunteer.

Her platform of attachment and adjustment disorders in children is especially poignant in an age where violence and mental disturbance with America's youth is all too common. Her dreams of entering the field of Pediatric Neurology will surely allow her to further research this field of study.

Lauren is an excellent student who cares about her community and the state. Her talents, hard work and dedication are truly commendable, and it is an honor to represent her in the U.S. Senate.●

## TRIBUTE TO THE MOUNT WASHINGTON HOTEL AND RESORT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Mount Washington Hotel and Resort for their designation as one of the Businesses of the Decade by Business New Hampshire Magazine.

For the past ten years, under the direction of partners Joel and Cathy Bedard, the Mount Washington Hotel and Resort has become a cornerstone of the White Mountain Community, providing not only a place for the people of New Hampshire to rest and relax, but giving back to the surrounding community as well.

The Mount Washington Hotel and Resort had not been locally owned until 1991, after several failed business ventures attempted to capitalize on the property. The hard work and dedication of each individual who worked on renovating and revitalizing the hotel is truly commendable. As a result, the Mount Washington Hotel and Resort was saved from demolition and currently thrives as one of New Hampshire's greatest treasures.

The Mount Washington Hotel and Resort is the largest employer in the local economy, providing 450 jobs in the summer months and 550 throughout the winter season. They are also an active member of their community, lending their support to programs such as New Hampshire Public Television, the Littleton Regional Hospital Auxiliary and other worthy programs and causes.

The Mount Washington Hotel and Resort is a true friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.●

## TRIBUTE TO OLDE PORT BANK—NH BUSINESS IN THE ARTS AWARD WINNER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Olde Port Bank for its recognition as a 2000 New Hampshire ''Business in the Arts'' award winner in the small company category.

Olde Port Bank proves that time and money are not the only key factors necessary for the successful continuation of arts programs. They have provided exhibit space in its offices and lobbies and promoted the activities of employees and customers who are artists as well. It is this sort of personal attention and support that make various programs available to the local community. The bank also understands the importance of a strong financial backbone, and helps to secure loans and credit lines so that the arts can remain part of the seacoast community.

The Children's Museum of Portsmouth is one such grateful recipient of Olde Port Bank's efforts. The bank has given generous financial support for an endowment fund to the museum and established corporate membership and sponsorship. Bank employees spend countless hours assisting the museum in many of its events and activities. This sort of high participation is a testament to the staff's deep dedication to making the arts more accessible to the Portsmouth community.

Olde Port Bank recognizes the importance of arts in education and the community. Forty percent of the bank's contributions budget is earmarked for arts organizations in the Portsmouth area, and this support is consistently growing each year. This company recognizes their power to lead by example, both economically and physically.

Without the support of dedicated businesses like Olde Port Bank, the arts would not be able to flourish in New Hampshire. Olde Port Bank truly signifies the deep personal commitment of small businesses across the state to supporting the causes that make New Hampshire one's chosen place to call home. It is an honor to serve them in the United States Senate.●

## TRIBUTE TO LILLIAN NOEL—PAUL HARRIS FELLOW AWARD WINNER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Lillian ''Billie'' Noel for her recognition as the Portsmouth Rotary Club's ''Paul Harris Fellow'' award winner.

Billie's deep commitment to preserving New Hampshire's precious woodlands is truly commendable. Instead of selling 35 acres of land to developers, Billie sold it at a reduced price to preservationists, ensuring the land will remain untouched for a long time. It is because of her dedication to assuring the future of New Hampshire's forests that she was honored by the Portsmouth Rotary Club in option for preservation over profit.

Billie made the decision to sell her property for $600,000 to the Society for the Protection of New Hampshire's Forests, even though it is worth three times that amount. This generous sale will ensure that the scenic waterfront property is not touched by developers. One of the last remaining undeveloped pieces of land in the fast-growing seacoast area, residents would have lost a treasured piece of their New Hampshire heritage had it been sold to developers. The Society plans to add walking paths and areas to picnic and bird watch, preserving the land's charm and scenic appeal. Billie's contribution to New Hampshire's citizens proves that there are still people dedicated to saving nature's delicacy rather than making a mere profit. It is this type of private initiative which keeps New Hampshire as the beautiful ''Live Free or Die'' state.

New Hampshire is lucky to have citizens like Billie who are committed to saving our state's beautiful lands. Our state's scenic areas are too precious to lose and I commend Billie for her hard work and dedication to the environment. It is an honor to represent Billie in the United States Senate.●

## TRIBUTE TO THE HONORABLE SUSAN B. CARBON—''FRANK ROWE KENISON'' AWARD RECIPIENT

● Mr. SMITH of New Hampshire. Mr. President, I rise to pay tribute to the Honorable Susan B. Carbon upon receiving the ''Frank Rowe Kenison'' award for her contributions to New Hampshire citizens through the field of Law and Justice.

The ''Frank Rowe Kenison'' award was established to recognize those individuals who, through the administration of justice, the legal profession or the advancement of legal thought, have worked towards improving the lives of New Hampshire citizens.

Susan has bettered the life of hundreds if not thousands of New Hampshire citizens through her pursuit of justice. Her personal and professional journeys have inspired her to seek an end to family violence.

As president of the New Hampshire Bar Association, Susan was instrumental in establishing the Family Violence Conference. She has also served as a member of the Executive Committee for the Governor's Commission on Domestic & Sexual Violence and a trustee for the National Council of Juvenile and Family Court Judges. This involvement has allowed her to combat domestic violence on a national level.

Susan's tireless dedication to domestic violence prevention is a testament to the philosophy of Frank Rowe Kenison, who stated ''The Supreme Court and the Judiciary of this State will continue to maintain and guard its house justice for the humble as well as the powerful, for the poor as well as the rich, for the minority as well as the majority and for the unpopular as well as the popular.''

In her many years in the legal profession, Susan Carbon has carried out Rowe's vision of justice. She has turned to the most sacred and powerful groups within society and the family in order to ensure that each individual is able to live without the fear of impending violence.

Susan's dedication to her profession, ending domestic violence and to her surrounding community is remarkable. It is both an honor and a great pleasure to represent her in the United States Senate.●

## TRIBUTE TO WALTER GALLO UPON HIS RETIREMENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Walter John Gallo, Vice President for the Endowment at Saint Anselm's College, upon his retirement.

Gallo, who graduated from Saint Anselm's College in 1958, has faithfully served the college and the surrounding community for the past thirty years. In addition to holding the position of Vice President of the Endowment, he has also been Alumni Director and Vice President for Development. I applaud his hard work and dedication in these positions, raising more than 2.5 million dollars over the last fundraising goal and establishing a nationwide alumni network for the college.

In addition to giving to Saint Anselm's College, Gallo is an active member of both the local and state communities, as well as several national organizations. He has been active with the Council for the Advancement and Support of Education, the National Society of Fund Raising Executives, Catholic Medical Center, New Hampshire Center for the Preforming Arts, the National Commission on Alcohol and Drug Abuse, New Horizons for New Hampshire, the Manchester Diocese School Development Committee and the Bedford Library Foundation.

Walter Gallo is truly an extraordinary individual. He has worked tirelessly and selflessly for Saint Anselm's College, the surrounding communities, the state and several national organizations while still finding time for his family and his personal hobbies which include Italian culture, reading, carpentry and sports.

I commend Walter and wish him the best upon his retirement. It has been a pleasure to work with him in years past, and it is truly an honor to represent him in the United States Senate.●

## TRIBUTE TO SECURE CARE PRODUCTS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Secure Care Products for receiving the United States Small Business Administration's ''Small Business Exporter of the Year'' award for 2000.

A designer and manufacturer of electronic monitoring systems for nursing homes and hospitals, Secure Care Products began exporting to Canada in 1994 and currently exports to over six foreign countries, including Ireland and England.

As a small business, they have demonstrated that they can succeed in the global arena, and I commend them for their hard work and dedication to their field. Their innovative solutions are providing necessary items to companies across the world, and I applaud their efforts.

A former small business owner myself, I am continually impressed by small businesses in New Hampshire that have the initiative and vision to take their product to the global market. It is an honor and a pleasure to represent all of the employees of Secure Care Products in the United States Senate.●

## TRIBUTE TO THE BELKNAP COUNTY ECONOMIC DEVELOPMENT GROUP

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Belknap County Economic Development Group for receiving the 2000 United States Small Business Administration's New Hampshire ''Financial Services Advocate of the Year'' award.

Financial service advocates play an integral role in the success of a small business, particularly in their assistance with access to credit. The Belknap County Economic Development Group is no exception. They have been assisting small businesses in surrounding communities with great success since 1992.

Initially formed to address economic issues plaguing the area at the time, it later expanded to assisting small businesses struggling to get off the ground. It currently operates a revolving loan fund and two micro-lending programs, as well as provides technical assistance and counseling.

As a former small business owner in the state, I commend the Belknap County Economic Development Group for their hard work and dedication. It is truly an honor to represent them in the United States Senate.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans and Mr. Williams, 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 and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON PROGRESS TOWARD ACHIEVING BENCHMARKS IN BOSNIA—MESSAGE FROM THE PRESIDENT—PM 123

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

*To the Congress of the United States:*

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7 of Public Law 105–174) and section 1203 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I transmit herewith a report on progress made toward achieving benchmarks for a sustainable peace process.

In April 2000, I sent the third semiannual report to the Congress under Public Law 105–174, detailing progress towards achieving the ten benchmarks adopted by the Peace Implementation Council and the North Atlantic Council for evaluating implementation of the Dayton Accords. This report provides an updated assessment of progress on the benchmarks, covering the period January 1 through June 30, 2000.

In addition to the semiannual reporting requirements of Public Law 105–174, this report fulfills the requirements of section 1203 in connection with my Administration's request for funds for FY 2001.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 2000*.

REPORT ON THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT—PM 124

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j–2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1998.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000*.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 125

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000*.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATENED TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PESIDENT—PM 126

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 27, 2000*.

## MESSAGES FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the conference of the Senate:

H.R. 2634. An act to amend the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule IV or V for maintenance treatment or detoxification treatment.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe strengths for such fiscal year for the Armed Forces, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House;

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. KASICH, Mr. BATEMAN, Mr. HANSEN, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. SAXTON, Mr. BUYER, Mr. FOWLER, Mr. MCHUGH, Mr. TALENT, Mr. EVERETT, Mr. BARTLETT of Maryland, Mr. MCKEON, Mr. WATTS of Oklahoma, Mr. THORNBERRY, Mr. HOSTETTLER, Mr. CHAMBLISS, Mr. SKELTON, Mr. SISISKY, Mr. SPRATT, Mr. ORTIZ, Mr. PICKETT, Mr. EVANS, Mr. TAYLOR of Mississippi, Mr. ABERCROMBIE, Mr. MEEHAN, Mr. UNDERWOOD, Mr. ALLEN, Mr. SNYDER, Mr. MALONEY of Connecticut, Mr. MCINTYRE, Mr. TAUSCHER, and Mr. THOMPSON of California: Provided, That Mr. KUYKENDALL is appointed in lieu of Mr. KASICH for consideration of section 2863 of the House bill, and section 2862 of the Senate amendment, and modifications committed to conference.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. GOSS, Mr. LEWIS of California, and Mr. DIXON.

From the Committee on Commerce, for consideration of sections 601, 725, and 1501 of the House bill, and sections 342, 601, 618, 701, 1073, 1402, 2812, 3131, 3133, 3134, 3138, 3152, 3154, 3155, 3167–3169, 3171, 3201, and 3301–3303 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. BARTON of Texas, and Mr. DINGELL: Provided, That Mr. BILIRAKIS is appointed in lieu of Mr. BARTON of Texas for consideration of sections 601 and 725 of the House bill, and sections 601, 618, 701, and 1073 of the Senate amendment, and modification committed to conference: Provided further, That Mr. OXLEY is appointed in lieu of Mr. BARTON of Texas for consideration of section 1501 of the House bill, and sections 342 and 2812 of the Senate amendment, and modifications committed to conference.

From the Committee on Education and the Workforce, for consideration of sections 341, 342, 504, and 1106 of the House bill, and sections 311, 379, 553, 669, 1053, and title XXXV of the Senate amendment, and modification committed to conference: Mr. GOODLING, Mr. HILLEARY, and Mrs. MINK of Hawaii.

From the Committee on Government Reform, for consideration of sections 518, 651, 723, 801, 906, 1101–1104, 1106, 1107, and 3137, of the House bill, and sections 643, 651, 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1069, 1073, 1101, 1102, 1104, 1106–1118, title XIV, 2871, 2881, 3155, and 3171 of the Senate amendment, and modifications committed to conference: Mr. BURTON of Indiana, and Mr. SCARBOROUGH, and Mr. WAXMAN: Provided, That Mr. HORN is appointed in lieu of Mr. SCARBOROUGH for consideration of section 801 of the House bill and sections 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1101, title XIV, 2871, and 2881 of the Senate amendment, and modifications committed to conference: Provided further, That Mr. MCHUGH is appointed in lieu of Mr. SCARBOROUGH for consideration of section 1073 of the Senate amendment, and modifications committed to conference.

From the Committee on House Administration, for consideration of sections 561–563 of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. BOEHNER, and Mr. HOYER.

From the Committee on International Relations, for consideration of sections 1201, 1205, 1209, 1210, title XIII, and 3136 of the House bill, and sections 1011, 1201–1203, 1206, 1208, 1209, 1212, 1214, 3178, and 3193 of the Senate amendments, and modifications committed to conference: Mr. GILMAN, Mr. GOODLING, and Mr. GEJDENSON.

From the Committee on the Judiciary, for consideration of sections 543 and 906 of the House bill and sections 506, 645, 663, 668, 909, 1068, 1106, title XV, and title XXXV of the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. CANADY of Florida, and Mr. CONYERS.

From the Committee on Resources, for consideration of sections 312, 601, 1501, 2853, 2883, and 3402 of the House bill, and sections 601, 1059, title XIII, 2871, 2893, and 3303 of the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. TAUZIN, and Mr. GEORGE MILLER of California.

From the Committee on Science, for consideration of sections 1402, 1403, 3161–3167, 3169, and 3176 of the Senate

amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. CALVERT, and Mr. GORDON: Provided, That Mrs. MORELLA is appointed in lieu of Mr. CALVERT for consideration of sections 1402, 1403, and 3176 of the Senate amendment, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 2839, and 2881 of the House bill, and sections 502, 601, and 1072 of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. GILCHREST, and Mr. BAIRD: Provided, That Mr. PASCRELL is appointed in lieu of Mr. BAIRD for consideration of section 1072 of the Senate amendment, and modifications committed to conference.

From the Committee on Veterans' Affairs, for consideration of sections 535, 738, 2831 of the House bill, and sections 561–563, 648, 664–666, 671, 672, 682–684, 721, 722, and 1067 of the Senate amendment, and modifications committed to conference: Mr. BILIRAKIS, Mr. QUINN, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of section 725 of the House bill, and section 701 of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. THOMAS, and Mr. STARK.

---

At 6:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills; which it requests concurrence of the Senate:

H.R. 4865. An act to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

H.R. 4920. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

---

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill; which it requests the concurrence of the Senate:

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution; which it requests the concurrence of the Senate:

H. Con. Res. 381. A concurrent resolution expressing the sense of the Congress that there should be established a National Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 4040) to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes, with amendments; which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

H.R. 4810. An act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

---

At 4:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4437. An act to grant the United States Postal Service the authority to issue semipostals, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

---

At 7:29 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker pro tempore (Ms. MORELLA) has signed the following enrolled bill:

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4865. An act to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase of Social Security benefits; to the Committee on Finance.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 381. A concurrent resolution expressing the sense of the Congress that there should be established a National Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers.

The following bills, previously received from the House of Representatives for concurrence, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4718. An act to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

H.R. 1304. An act to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act.

## MEASURES PLACED ON THE CALENDAR

The following bills were read twice and placed on the calendar:

H.R. 2634. An act to amend the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule IV or V for maintenance treatment or detoxification treatment.

H.R. 4920. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

The following bills were read the second time and placed on the calendar:

S. 2940. A bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

S. 2941. A bill to amend the Federal Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 728. An act 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 resource projects previously funded by the Secretary under such Act or related laws.

H.R. 1102. An act to provide for pension reform, and for other purposes.

H.R. 1264. An act to amend the Internal Revenue Code of 1986 to require that each employer show on the W–2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee.

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 3468. An act to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah.

H.R. 4033. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

H.R. 4079. An act to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

H.R. 4201. An act to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations.

H.R. 4923. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

H.R. 4846. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 4888. An act to protect innocent children.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4681. An act to provide for the adjustment of status of certain Syrian nationals.

H.J. Res. 72. Joint resolution granting the consent of the Congress to the Red River Boundary Compact.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 27, 2000, he had presented to the President of the United States the following enrolled bills:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10004. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Antitrust Review Authority: Clarification'' (RIN3150-AG38) received on July 18, 2000; to the Committee on Environment and Public Works.

EC–10005. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of eight rules entitled ''New Stationary Sources; Supplemental Delegation of Authority to the State of North Carolina'' (FRL6728-8), ''New Stationary Sources; Supplemental Delegation of Authority to the States of Alabama, Florida, Georgia, and Tennessee and to Nashville-Davidson County, Tennessee'' (FRL6728-9), ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District and the Kern County Air Pollution Control District'', ''Approval and Promulgation of Implementation Plans; Texas; Revisions to Emergency Episode Plan Regulations'' (FRL6840-3), ''Final Authorization of State Hazardous Waste Management Program Revision'' (FRL6840-7), ''Commonwealth of Virginia: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL6840-9), ''Approval and Promulgation of State Implementation Plans; California-Santa Barbara'', ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Volatile Organic Compounds Regulations'' (FRL6735-7) received on July 20, 2000; to the Committee on Environment and Public Works.

EC–10006. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL6841-3), ''FY 2001 Wetlands Program Development Grants'' (FRL6838-7), ''Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District'' (FRL6729-8) received on July 21, 2000; to the Committee on Environment and Public Works.

EC–10007. A communication from the Assistant Secretary, Civil Works, Department of the Army, transmitting, pursuant to law, a report relative to an environmental restoration and recreation project along the Rio Salado and Indian Bend Wash in Phoenix and Tempe, Arizona; to the Committee on Environment and Public Works.

EC–10008. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–10009. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Labor Certification Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Delegation of Authority to Adjudicate Petitions'' (RIN1205-AB23) received on July 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10010. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Longshoring, Marine Terminals, and Gear Certification; Final rule; technical amendments'' (RIN1218-AA56) received on July 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10011. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on July 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10012. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Code of Federal Regulations; Technical Amendment'' (Docket No. 00N–01361) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10013. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Court Decisions, ANDA Approvals, and 180-Day Exclusivity'' (RIN85N–0214) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10014. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Effective Date of Requirement for Premarket Approval for a Class III Premendments Obstetrical and Gynecological Device'' (RIN95N–0084) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10015. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives Exempt From Certification; Phaffia Yeast'' (RIN97C–0466) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10016. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives Exempt From Certification; Haematococcus Algae Meal'' (98C–0212) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10017. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'' (RIN99F–1456) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10018. A communication from the Director of the Division of Policy, Planning and Program Development, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities; Separate Facility Waivers'' (RIN1215–AA84) received on July 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10019. A communication from the Administrator of the Office of Workforce Security, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Unemployment Insurance Program Letter 41–98, change 1-Application of the Prevailing Conditions of Work Requirement—Questions and Answers''; to the Committee on Health, Education, Labor, and Pensions.

EC–10020. A communication from the Director of Food and Agriculture Issues, Resources, Community, and Economic Development Division, General Accounting Office, transmitting, pursuant to law, the report relative to the safety of dietary supplements and ''functional foods''; to the Committee on Health, Education, Labor, and Pensions.

EC–10021. A communication from the Assistant Secretary of Land and Minerals Management, Engineering and Operations Division, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Producer-operated Outer Continental Shelf Pipelines that Cross Directly into State Waters'' (RIN1010-AC56) received on July 20, 2000; to the Committee on Energy and Natural Resources.

EC–10022. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Savings Performance Contracting;

Technical Amendments'' (RIN1904-AB07) received on July 24, 2000; to the Committee on Energy and Natural Resources.

EC–10023. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a report on National Natural Landmarks; to the Committee on Energy and Natural Resources.

EC–10024. A communication from the Director of the Office of Insular Affairs, Department of the Interior, transmitting, pursuant to law, the report entitled ''Impact of the Compact of Free Association on Guam, the Northern Mariana Island, and Hawaii''; to the Committee on Energy and Natural Resources.

EC–10025. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-361 entitled ''Retirement Incentive Temporary Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10026. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-360 entitled ''Tax Expenditure Budget Review Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10027. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-364 entitled ''Underage Drinking Temporary Amendment Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10028. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-359 entitled ''Criminal Tax Reorganization Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10029. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-363 entitled ''Gray Market Cigarette Prohibition Temporary Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10030. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-365 entitled ''Supermarket Tax Exemption Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10031. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-367 entitled ''New Motor Vehicle Inspection Sticker Renewal Temporary Amendment Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10032. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-366 entitled ''Public Schools Free Textbook Temporary Amendment Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10033. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-373 entitled ''Equal Opportunity for Local, Small, or Disadvantaged Business Enterprises Amendment Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10034. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-362 entitled ''Campaign Finance Disclosure and Enforcement Amendment Act of 2000'' adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10035. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Change in the Survey Cycle for the Orleans, LA, Nonappropriated Fund Wage Area'' (RIN3206-AJ05) received on July 19, 2000; to the Committee on Governmental Affairs.

EC–10036. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on July 19, 2000; to the Committee on Governmental Affairs.

EC–10037. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the report of the Inspector General for the period of October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–10038. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the report of the Inspector General for the period of October 1, 1998 through September 30, 1999; to the Committee on Governmental Affairs.

EC–10039. A communication from the Comptroller General, General Accounting Office, transmitting, pursuant to law, the report entitled ''Month in Review: May 2000''; to the Committee on Governmental Affairs.

EC–10040. A communication from the District of Columbia Auditor, transmitting a report entitled ''Certification Review of the Washington Convention Center Authority's Projected Revenues to meet Projected Operated and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2001''; to the Committee on Governmental Affairs.

EC–10041. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the report of one item entitled ''Available Information on Assessing Exposure from Pesticides in Food: A User's Guide''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10042. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Bifenthrin; Pesticide Tolerance'' (FRL6595-1), and ''Pyridaben; Pesticide Tolerance'' (FRL6593-1) received on July 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10043. A communication from the Secretary of the Department of Agriculture, transmitting, a draft of proposed legislation to expand the eligibility for emergency farm loans; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10044. A communication from the Associate Administrator of Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for Dairy Forward Pricing Pilot Program'' (Docket Number: DA-00-06) received on July 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10045. A communication from the Administrator of Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1735, General Policies, Types of Loans, Loan Requirements - Telecommunication Program (Mobile Telecom Service)'' (RIN0572-AB53) received on July 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10046. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown In California; Increase in Desirable Carryout Used to Compute Trade Demand'' (Docket Number: FV00-989-3 FR) received on July 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10047. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Interstate Movement of Certain Land Tortoises'' (Docket Number 00-016-2) received on July 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10048. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Fenbuconazole; Extension of Tolerances for Emergency Exemptions'' (FRL6596-6) and ''Imidacloprid; Extension of Tolerance for Emergency Exemptions'' (FRL6597-1) received on July 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10049. A communication from the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Adjusting Civil Money Penalties for Inflation'' received on July 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10050. A communication from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Bacillus Subtills Strain QST 713; Exemption from the Requirement of a Tolerance'' (FRL6555-3) and ''Methoxyfenozide; Benzoic Acid, 3 methoxy 2 methyl 2 (3,5 dimethylbenzoyl) 2 2(1,1dimthylethyl) hydrazide: Pesticide Tolerance'' (FRL6496-5) received on June 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

## 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–611. A resolution adopted by the Borough of Lavallette, New Jersey, relative to the ''Mud Dump Site''; to the Committee on Environment and Public Works.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2796: A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 106–362).

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with amendments:

S. 2797: A bill to authorize a comprehensive Everglades restoration plan (Rept. No. 106–363).

By Mr. THOMPSON, from the Committee on Governmental affairs:

Special Report entitled ''Day Trading: Case Studies and Conclusions'' (Rept. No. 106–364).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

S. Res. 334: A resolution expressing appreciation to the people of Okinawa for hosting United States defense facilities, commending the Government of Japan for choosing Okinawa as the site for hosting the summit meeting of the G–8 countries, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 113: A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family, members, and other public servants, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 353: A bill to provide for class action reform, and for other purposes.

S. 783: A bill to limit access to body armor by violent felons and to facilitate the donation of federal surplus body armor to State and local law enforcement agencies.

S. 1865: A bill to provide grants to establish demonstration mental health courts.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2000: A bill for the relief of Guy Taylor.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 2002: A bill for the relief of Tony Lara.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2272: A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

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

S. 2279: A bill to authorize the addition of land to Sequoia National Park, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2289: A bill for the relief of Jose Guadalupe Tellez Pinales.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2943: An original bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 131: A concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarnose, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

James Edgar Baker, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness. (New Position)

Donald Mancuso, of Virginia, to be Inspector General, Department of Defense.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. WARNER. Mr. President, 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 lieutenant general*

Maj. Gen. Raymond P. Huot, 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*

Lt. Gen. Thomas R. Case, 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. Alexander H. Burgin, 0000

*To be brigadier general*

Col. Jonathan P. Small, 0353

The following named officer for appointment in the United States Army 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. Joseph M. Cosumano, Jr., 0000

The following named officer for appointment in the United States Army 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. Freddy E. McFarren, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Michael L. Dodson, 0000

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (lh) William J. Lynch, 0000
Rear Adm. (lh) John C. Weed, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Daniel H. Stone, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Michael D. Haskins, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Clinton E. Adams, 0000
Capt. Steven E. Hart, 0000
Capt. Louis V. Iasiello, 0000
Capt. Steven W. Maas, 0000
Capt. William J. Maguire, 0000
Capt. John M. Mateczun, 0000
Capt. Robert L. Phillips, 0000
Capt. David D. Pruett, 0000
Capt. Dennis D. Woofter, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Scott A. Fry, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Michael R. Marohn, which was received by the Senate and appeared in the Congressional Record on July 20, 2000.

Army nominations beginning * Robert S. Adams, Jr. and ending * Sharon A. West, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Army nominations beginning Kelly L. Abbrescia and ending Timothy J. Zeien II, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Navy nominations beginning Thomas A. Allingham and ending John W. Zink, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2000.

Navy nominations beginning Roy I. Apseloff and ending John D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2000.

Navy nominations beginning Donald M. Abrashoff and ending Charles Zingler, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2000.

Marine Corps nomination of Thomas J. Connally, which was received by the Senate and appeared in the Congressional Record on July 18, 2000.

Marine Corps nominations beginning Aaron D. Abdullah and ending Daniel M. Zonavetch, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2000.

By Mr. ROTH for the Committee on Finance.

Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade.

Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury.

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

Jonathan Talisman, of Maryland, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

Janie L. Jeffers, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years.

Marie F. Ragghianti, of Tennessee, to be a Commissioner of the United States Parole Commission for a term of six years.

Michael J. Reagan, of Illinois, to be United States District Judge for the Southern District of Illinois.

Norman C. Bay, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Susan Ritchie Bolton, of Arizona, to be United States District Judge for the District of Arizona.

Mary H. Murguia, of Arizona, to be United States District Judge for the District of Arizona.

James A. Teilborg, of Arizona, to be United States District Judge for the District of Arizona.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. SPECTER for the Committee on Veterans' Affairs.

Robert M. Walker, of West Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs. (New Position)

Thomas L. Garthwaite, of Pennsylvania, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

By Mr. SHELBY for the Select Committee on Intelligence.

John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BYRD:

S. 2942. A bill to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 2943. An original bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; from the Committee on Foreign Relations; placed on the calendar.

By Mr. BREAUX:

S. 2944. A bill to clarify that certain penalties provided for in the Oil Pollution Act of 1990 are the exclusive criminal penalties for any action or activity that may arise or occur in connection with certain discharges of oil or a hazardous substance; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 2945. A bill for the relief of David Bale; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. TORRICELLI, and Mr. HARKIN):

S. 2946. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly disqualified from benefits under pension plans and welfare plans based on a miscategorization of their employee status; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. BROWNBACK):

S. 2947. A bill to encourage respect for the rights of religious and ethnic minorities in Iran, and to deter Iran from supporting international terrorism, and from furthering its weapons of mass destruction programs; to the Committee on Finance.

By Mr. INHOFE:

S. 2948. A bill to amend the Federal Water Pollution Control Act to establish a program for wetland mitigation banking, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMM (for himself, Mr. NICKLES, Mrs. HUTCHISON, Mr. MURKOWSKI, and Mr. GRASSLEY):

S. 2949. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2950. A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2951. A bill to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI:

S. 2952. A bill to provide technical assistance, capacity building grants, and organizational support to private, nonprofit community development organizations, including religiously-affiliated organizations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:

S. 2953. A bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HOLLINGS (for himself, Ms. SNOWE, Mr. KERREY, Mr. STEVENS, Mr. BREAUX, and Mr. CLELAND):

S. 2954. A bill to establish the Dr. Nancy Foster Marine Biology Scholarship Program; to the Committee on Commerce, Science, and Transportation.

By Mr. DEWINE (for himself, Mr. HATCH, Mr. VOINOVICH, and Mr. LEAHY):

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide relief for the payment of asbestos-related claims; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2956. A bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2957. A bill to amend title XVIII of the Social Security Act to preserve coverage of drugs and biologicals under part B of the medicare program; to the Committee on Finance.

By Mr. SANTORUM:

S. 2958. A bill to establish a national clearinghouse for youth entrepreneurship education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 2959. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 2960. A bill to provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Finance.

By Mr. WYDEN:

S. 2961. A bill to amend the Customs drawback statute to authorize payment of drawback where imported merchandise is recycled rather than destroyed; to the Committee on Finance.

By Mr. SMITH of New Hampshire:

S. 2962. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself, Mr. GRAHAM, and Mr. GORTON):

S. 2963. A bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 2964. A bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. GRAHAM, Mr. BREAUX, and Mr. CLELAND):

S. 2965. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. BAUCUS, Mr. EDWARDS, and Mr. ROTH):

S. 2966. A bill to amend the Fair Labor Standards Act of 1938 to prohibit retaliation and confidentiality policies relating to disclosure of employee wages, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself, Mr. GORTON, Mr. KERREY, Mr. JEFFORDS, and Mr. THOMPSON):

S. 2967. A bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry; to the Committee on Finance.

By Mr. ALLARD:

S. 2968. A bill to empower communities and individuals by consolidating and reforming the programs of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON:

S. 2969. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. BAYH, Mr. BREAUX, and Ms. LANDRIEU):

S. 2970. A bill to provide for summer academic enrichment programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 2971. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels or fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 2972. A bill to combat international money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2973. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 2974. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2975. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. BYRD, and Mrs. BOXER):

S. 2976. A bill to amend title XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children's health insurance program; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2977. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. BAUCUS, Mr. KERREY, Mr. KOHL, Mr. AKAKA, Mr. JOHNSON, Mr. REID, Mr. KENNEDY, and Mr. DODD):

S. 2978. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2979. A bill to amend the Internal Revenue Code of 1986 to clarify the status of professional employer organizations and to promote and protect the interests of professional employer organizations, their customers, and workers; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2980. A bill to amend the Food Security Act of 1985 to permit the enrollment of certain wetland, buffers, and filterstrips in conservation reserve; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 2981. A bill to amend titles XVIII and XIX of the Social Security Act to provide bad debt relief for facilities providing care to certain low-income medicare beneficiaries and to amend title XIX of such Act to increase efforts to provide medicare beneficiaries with medicare cost-sharing under the medicaid program; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. DASCHLE, Mr. DEWINE, Mr. KERREY, Mr. GRASSLEY, Mr. BYRD, and Mr. LUGAR):

S. 2982. A bill to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the building of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2983. A bill to provide for the return of land to the Government of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 2984. A bill to amend the Internal Revenue Code of 1986 and to provide a refundable caregivers tax credit; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 2985. A bill to amend the Agricultural Trade Act of 1978 to authorize the Commodity Credit Corporation to reallocate certain unobligated funds from the export enhancement program to other agricultural trade development and assistance programs; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. THOMPSON, Mr. WARNER, Mr. NICKLES, and Mr. KYL):

S. 2986. A bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMAS, and Mr. CONRAD):

S. 2987. A bill to amend title XVIII of the Social Security Act to promote access to health care services in rural areas, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. BREAUX, Mr. BOND, and Mr. HOLLINGS):

S. 2988. A bill to establish a National Commission on Space; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. KERREY):

S. 2989. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. FEINGOLD):

S. 2990. A bill to amend chapter 42 of title 28, United States Code, to establish the Judicial Education Fund for the payment of reasonable expenses of judges participating in seminars, to prohibit the acceptance of seminar gifts, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM:

S. 2991. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2992. A bill to amend title XVIII of the Social Security Act to reimburse essential access home health providers for the reasonable costs of providing home health services in rural areas; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. KOHL):

S. 2993. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

By Mr. ROBB:

S. 2994. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Finance.

By Mr. L. CHAFEE (for himself, Mr. BENNETT, Mr. CLELAND, Mr. JEFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. LEAHY, and Mr. BAUCUS):

S. 2995. A bill to assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 2996. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. JEFFORDS, Mr. SARBANES, Mr. LEAHY, Mr. BRYAN, Mr. REED, Mr. L. CHAFEE, and Mr. WELLSTONE):

S. 2997. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. CLELAND, Mr. MILLER, Mr. LOTT, Mr. MACK, Mr. NICKLES, Mr. GORTON, Mr. SANTORUM, Mr. HATCH, Mr. HELMS, Mr. L. CHAFEE, Mr. CRAIG, Ms. SNOWE, Mr. SMITH of New Hampshire, Mr. REED, Mr. BROWNBACK, Ms. MIKULSKI, Mr. DODD, and Mr. BIDEN):

S. 2998. A bill to designate a fellowship program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the ''Paul D. Coverdell Fellows Program''; considered and passed.

By Mr. ABRAHAM (for himself, Mr. COCHRAN, and Mr. GRAMS):

S. 2999. A bill to amend title XVIII of the Social Security Act to reform the regulatory processes used by the Health Care Financing Administration to administer the medicare program, and for other purposes; to the Committee on Finance.

By Mr. ROBB:

S. 3000. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. MURRAY (for herself, Mr. WARNER, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GORTON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. REED, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SPECTER, Mr. TORRICELLI, and Mr. WELLSTONE):

S. Res. 345. A resolution designating October 17, 2000, as a ''Day of National Concern About Young People and Gun Violence''; to the Committee on the Judiciary.

By Mrs. BOXER:

S. Res. 346. A resolution acknowledging that the undefeated and untied 1951 University of San Francisco football team suffered a grave injustice by not being invited to any post-season Bowl game due to racial prejudice that prevailed at the time and seeking

appropriate recognition for the surviving members of that championship team; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 132. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. JEFFORDS:

S. Con. Res. 133. A concurrent resolution to correct the enrollment of S. 1809; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 2944. A bill to clarify that certain penalties provided for in the Oil Pollution Act of 1990 are the exclusive criminal penalties for any action or activity that may arise or occur in connection with certain discharges of oil or a hazardous substance; to the Committee on Environment and Public Works.

### STRICT CRIMINAL LIABILITY REFORM FOR OIL SPILL INCIDENTS

Mr. BREAUX. Mr. President, I am pleased to introduce legislation to address a long-standing problem which adversely affects the safe and reliable maritime transport of oil products. The legislation I am introducing today will eliminate the application and use of strict criminal liability statutes, statutes that do not require a showing of criminal intent or even the slightest degree of negligence, for maritime transportation-related oil spill incidents.

Through comprehensive Congressional action that led to the enactment and implementation of the Oil Pollution Act of 1990, commonly referred to as ''OPA90'', the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively in the diminishing number of situations when an oil spill occurs. Nonetheless, over the past decade, the use of the unrelated strict criminal liability statutes that I referred to above has undermined the spill prevention and response objectives of OPA90, the very objectives that were established by the Congress to preserve the environment, safeguard the public welfare, and promote the safe transportation of oil. The legislation I am introducing today will restore the delicate balance of interests reached in OPA90, and will reaffirm OPA90's preeminent role as the statute providing the exclusive criminal penalties for oil spill incidents.

As stated in the Coast Guard's own environmental enforcement directive, a company, its officers, employees, and mariners, in the event of an oil spill ''could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge''. Accordingly, responsible operators in my home state of Louisiana and elsewhere in the United States who transport oil are unavoidably exposed to potentially immeasurable criminal fines and, in the worst case scenario, jail time. Not only is this situation unfairly targeting an industry that plays an extremely important role in our national economy, but it also works contrary to the public welfare.

Most liquid cargo transportation companies on the coastal and inland waterway system of the United States have embraced safe operation and risk management as two of their most important and fundamental values. For example, members of the American Waterways Operators (AWO) from Louisiana and other states have implemented stronger safety programs that have significantly reduced personal injuries to mariners. Tank barge fleets have been upgraded through construction of new state-of-the-art double hulled tank barges while obsolete single skin barges are being retired far in advance of the OPA90 timetable. Additionally, AWO members have dedicated significant time and financial resources to provide continuous and comprehensive education and training for vessel captains, crews and shoreside staff, not only in the operation of vessels but also in preparation for all contingencies that could occur in the transportation of oil products. This commitment to marine safety and environmental protection by responsible members of the oil transportation industry is real. The industry continues to work closely with the Coast Guard to upgrade regulatory standards in such key areas as towing vessel operator qualifications and navigation equipment on towing vessels.

Through the efforts of AWO and other organizations, the maritime transportation industry has achieved an outstanding compliance record with the numerous laws and regulations enforced by the Coast Guard. Let me be clear: responsible carriers, and frankly their customers, have a ''zero tolerance'' policy for oil spills. Additionally, the industry is taking spill response preparedness seriously. Industry representatives and operators routinely participate in Coast Guard oil spill crisis management courses, PREP Drills, and regional spill response drills. Yet despite all of the modernization, safety, and training efforts of the marine transportation industry, their mariners and shoreside employees cannot escape the threat of criminal liability in the event of an oil spill, even where it is shown that they ''took all reasonable precautions to avoid [a] discharge''.

As you know, in response to the tragic *Exxon Valdez* spill, Congress enacted OPA90. OPA90 mandated new, comprehensive, and complex regulatory and enforcement requirements for the transportation of oil products and for oil spill response. Both the federal government and maritime industry have worked hard to accomplish the legislation's primary objective—to provide greater environmental safeguards in oil transportation by creating a comprehensive prevention, response, liability, and compensation regime to deal with vessel and facility oil pollution. And OPA90 is working in a truly meaningful sense. To prevent oil spill incidents from occurring in the first place, OPA90 provides an enormously powerful deterrent, through both its criminal and civil liability provisions. Moreover, OPA90 mandates prompt reporting of spills, contingency planning, and both cooperation and coordination with federal, state, and local authorities in connection with managing the spill response. Failure to report and cooperate as required by OPA90 may impose automatic civil penalties, criminal liability and unlimited civil liability. As a result, the number of domestic oil spills has been dramatically reduced over the past decade since OPA90 was enacted. In those limited situations in which oil spills unfortunately occurred, intensive efforts commenced immediately with federal, state and local officials working in a joint, unified manner with the industry, as contemplated by OPA90, to clean up and report spills as quickly as possible and to mitigate to the greatest extent any impact on the environment. OPA90 has provided a comprehensive and cohesive ''blueprint'' for proper planning, training, and resource identification to respond to an oil spill incident, and to ensure that such a response is properly and cooperatively managed.

OPA90 also provides a complete statutory framework for proceeding against individuals for civil and/or criminal penalties arising out of oil spills in the marine environment. When Congress crafted this Act, it carefully balanced the imposition of stronger criminal and civil penalties with the need to promote enhanced cooperation among all of the parties involved in the spill prevention and response effort. In so doing, the Congress clearly enumerated the circumstances in which criminal penalties could be imposed for actions related to maritime oil spills, and added and/or substantially increased criminal penalties under the related laws which comprehensively govern the maritime transportation of oil and other petroleum products.

The legislation we are introducing today will not change in any way the tough criminal sanctions that were imposed in OPA90. However, responsible, law-abiding members of the maritime industry in Louisiana and elsewhere are concerned by the willingness of the Department of Justice and other federal agencies in the post-OPA90 environment to use strict criminal liability statutes in oil spill incidents. As you know, strict liability imposes criminal sanctions without requiring a showing of criminal knowledge, intent or even negligence. These federal actions imposing strict liability have created an atmosphere of extreme uncertainty for the maritime transportation industry about how to respond to and cooperate with the Coast Guard and other federal

agencies in cleaning up an oil spill. Criminal culpability in this country, both historically and as reflected in the comprehensive OPA90 legislation itself, typically requires wrongful actions or omissions by individuals through some degree of criminal intent or through the failure to use the required standard of care. However, Federal prosecutors have been employing other antiquated, seemingly unrelated ''strict liability'' statutes that do not require a showing of ''knowledge'' or ''intent'' as a basis for criminal prosecution for oil spill incidents. Such strict criminal liability statutes as the Migratory Bird Treaty Act and the Refuse Act, statutes that were enacted at the turn of the century to serve other purposes, have been used to harass and intimidate the maritime industry, and, in effect, have turned every oil spill into a potential crime scene without regard to the fault or intent of companies, corporate officers and employees, and mariners.

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) provides that ''it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, . . . any migratory bird . . .'', a violation of which is punishable by imprisonment and/or fines. Prior to the *Exxon Valdez* oil spill in 1989, the MBTA was primarily used to prosecute the illegal activities of hunters and capturers of migratory birds, as the Congress originally intended when it enacted the MBTA in 1918. In the *Exxon Valdez* case itself, and prior to the enactment of OPA90, the MBTA was first used to support a criminal prosecution against a vessel owner in relation to a maritime oil spill, and this ''hunting statute'' has been used ever since against the maritime industry. The ''Refuse Act'' (33 U.S.C. 407, 411) was enacted over 100 years ago at a time well before subsequent federal legislation essentially replaced it with comprehensive requirements and regulations specifically directed to the maritime transportation of oil and other petroleum products. Such strict liability statutes are unrelated to the regulation and enforcement of oil transportation activities, and in fact were not included within the comprehensive OPA90 legislation as statutes in which criminal liability could be found. With the prosecutorial use of strict liability statutes, owners and mariners engaged in the transportation of oil cannot avoid exposure to criminal liability, regardless of how diligently they adhere to prudent practice and safe environmental standards. Although conscientious safety and training programs, state-of-the-art equipment, proper operational procedures, preventative maintenance programs, and the employment of qualified and experienced personnel will collectively prevent most oil spills from occurring, unfortunately spills will still occur on occasion.

To illustrate this point, please permit me to present a scenario that highlights the dilemma faced by the maritime oil transportation industry in Louisiana. Imagine, if you will, that a company is operating a towing vessel in compliance with Coast Guard regulations on the Mississippi River on a calm, clear day with several fully laden tank barges in tow. Suddenly, in what was charted and previously identified to be a clear portion of the waterway, one of the tank barges strikes an unknown submerged object which shears through its hull and causes a significant oil spill in the river. Unfortunately, in addition to any other environmental damage that may occur, the oil spill kills one or more migratory birds. As you know, under OPA90 the operator must immediately undertake coordinated spill response actions with the Coast Guard and other federal, state, and local agencies to safeguard the vessel and its crew, clean up the oil spill, and otherwise mitigate any damage to the surrounding environment. The overriding objectives at this critical moment are to assure personnel and public safety and to clean up the oil spill as quickly as possible without constraint. However, in the current atmosphere the operator must take into consideration the threat of strict criminal liability under the Migratory Bird Treaty Act and the Refuse Act, together with their attendant imprisonment and fines, despite the reasonable care and precautions taken in the operation and navigation of the tow and in the spill response effort. Indeed, in the Coast Guard's own environmental enforcement directive, the statement is made that ''[t]he decision to commit the necessary Coast Guard resources to obtain the evidence that will support a criminal prosecution must often be made in the very early stages of a pollution incident.'' Any prudent operator will quickly recognize the dilemma in complying with the mandate to act cooperatively with all appropriate public agencies in cleaning up the oil spill, while at the same time those very agencies may be conducting a criminal investigation of that operator. Vessel owners and their employees who have complied with federal laws and regulations and have exercised all reasonable care should not continue to face a substantial risk of imprisonment and criminal fines under such strict liability statutes. Criminal liability, when appropriately imposed under OPA90, should be employed only where a discharge is caused by conduct which is truly ''criminal'' in nature, i.e., where a discharge is caused by reckless, intentional or other conduct deemed criminal by OPA90.

As this scenario demonstrates, the unjustified use of strict liability statutes is plainly undermining the very objectives which OPA90 sought to achieve, namely to enhance the prevention of and response to oil spills in Louisiana and elsewhere in the United States. As we are well aware, tremendous time, effort, and resources have been expended by both the federal government and the maritime industry to eliminate oil spills to the maximum extent possible, and to plan for and undertake an immediate and effective response to mitigate any environmental damage from spills that do occur. Clearly unwarranted and improper prosecutorial use of strict liability statutes is having a ''chilling'' effect on these cooperative spill prevention and response efforts. Indeed, even if we were to believe that criminal prosecution only follows intentional criminal conduct, the mere fact that strict criminal liability statutes are available at the prosecutor's discretion will intimidate even the most innocent and careful operator. With strict liability criminal enforcement, responsible members of the maritime transportation industry are faced with an extreme dilemma in the event of an oil spill—provide less than full cooperation and response as criminal defense attorneys will certainly direct, or cooperate fully despite the risk of criminal prosecution that could result from any additional actions or statements made during the course of the spill response. Consequently, increased criminalization of oil spill incidents introduces uncertainty into the response effort by discouraging full and open communication and cooperation, and leaves vessel owners and operators criminally vulnerable for response actions taken in an effort to ''do the right thing''.

In the maritime industry's continuing effort to improve its risk management process, it seeks to identify and address all foreseeable risks associated with the operation of its business. Through fleet modernization, personnel training, and all other reasonable steps to address identified risks in its business, the industry still cannot manage or avoid the increased risks of strict criminal liability (again, a liability that has no regard to fault or intent). The only method available to companies and their officers to avoid the risk of criminal liability completely is to divest themselves from the maritime business of transporting oil and other petroleum products, in effect to get out of the business altogether. Furthermore, strict liability criminal laws provide a strong disincentive for trained, highly experienced mariners to continue the operation of tank vessels, and for talented and capable individuals from even entering into that maritime trade. An earlier editorial highlighted the fact that tugboat captains ''are reporting feelings of intense relief and lightening of their spirits when they are ordered to push a cargo of grain or other dry cargo, as compared to the apprehension they feel when they are staring out of their wheelhouses at tank barges'', and ''that the reason for this is very obvious in the way that they find themselves instantly facing criminal charges . . . in the event of a collision or grounding and oil or chemicals end up in the water''. Certainly, the federal government does not want to create a situation where the least experienced

mariners are the only available crew to handle the most hazardous cargoes, or the least responsible operators are the only available carriers. Thus, the unavoidable risk of such criminal liability directly and adversely affects the safe transportation of oil products, an activity essential for the public, the economy, and the nation.

Therefore, despite the commitment and effort to provide trained and experienced vessel operators and employees, to comply with all safety and operational mandates of Coast Guard laws and regulations, and to provide for the safe transportation of oil as required by OPA90, maritime transportation companies in Louisiana, and elsewhere still cannot avoid criminal liability in the event of an oil spill. Responsible, law-abiding companies have unfortunately been forced to undertake the only prudent action that they could under the circumstances, namely the development of criminal liability action plans and retention of criminal counsel in an attempt to prepare for the unavoidable risks of such liability.

These are only preliminary steps and do not begin to address the many implications of the increasing criminalization of oil spills. The industry is now asking what responsibility does it have to educate its mariners and shoreside staff about the potential personal exposure they may face and wonder how to do this without creating many undesirable consequences? How should the industry organize spill management teams and educate them on how to cooperate openly and avoid unwitting exposure to criminal liability? Mr. President, I have thought about these issues a great deal and simply do not know how to resolve these dilemmas under current, strict liability law. In the event of an oil spill, a responsible party not only must manage the cleanup of the oil and the civil liability resulting from the spill itself, but also must protect itself from the criminal liability that now exists due to the available and willing use of strict liability criminal laws by the federal government. Managing the pervasive threat of strict criminal liability, by its very nature, prevents a responsible party from cooperating fully and completely in response to an oil spill situation. The OPA90 ''blueprint'' is no longer clear. Is this serving the objectives of OPA90? Does this really serve the public welfare of our nation? Is this what Congress had in mind when it mandated its spill response regime? Is this in the interest of the most immediate, most effective oil spill cleanup in the unfortunate event of a spill? We think not.

To restore the delicate balance of interests reached in the enactment of OPA90 a decade ago, we intend to work with the Congress to reaffirm the OPA90 framework for criminal prosecutions in oil spill incidents. The enactment of the legislation we are introducing today will ensure increased cooperation and responsiveness desired by all those interested in oil spill response issues without diluting the deterrent effect and stringent criminal penalties imposed by OPA90 itself.

I look forward to continuing the effort to upgrade the safety of marine operations in the navigable waterways of the United States, and 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. 2944

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

**SECTION 1. AFFIRMATION OF PENALTIES UNDER OIL POLLUTION ACT OF 1990.**

(a) IN GENERAL.—Notwithstanding any other provision or rule of law, section 4301(c) and 4302 of the Oil Pollution Act of 1990 (Public Law 101–380; 104 Stat. 537) and the amendments made by those sections provide the exclusive criminal penalties for any action or activity that may arise or occur in connection with a discharge of oil or a hazardous substance referred to in section 311(b)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(3)).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit, or otherwise exempt any person from, liability for conspiracy to commit any offense against the United States, for fraud and false statements, or for the obstruction of justice.

---

By Mr. KENNEDY (for himself, Mr. TORRICELLI and Mr. HARKIN):

S. 2946. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly disqualified from benefits under pension plans and welfare plans based on a miscategorization of their employee status; to the Committee on Health, Education, Labor, and Pensions.

EMPLOYEE BENEFITS ELIGIBILITY FAIRNESS ACT OF 2000

Mr. KENNEDY. Mr. President, contingent workers in our society face significant problems, and they deserve our help in meeting them. These men and women—temporary and part-time workers, contract workers, and independent contractors—continue to suffer unfairly, even in our prosperous economy. A new report from the General Accounting Office emphasizes that contingent workers often lack income security and retirement security.

We know that for most workers today, a single lifetime job is a relic of the past. The world is long gone in which workers stay with their employer for many years, and then retire on a company pension. Since 1982 the number of temporary help jobs has grown 577 percent.

The GAO report shows that 30 percent of the workforce—39 million working Americans—now get their paychecks from contingent jobs.

Contingent workers have lower incomes than traditional, full-time workers and many are living in poverty. For example, 30 percent of agency temporary workers have family incomes below $15,000. By comparison, only 8 percent of standard full-time workers have family incomes below $15,000.

Contingent workers are less likely to be covered by employer health and retirement benefits than are standard, full-time workers. Even when employers do sponsor a plan, contingent workers are less likely to participate in the plan, either because they are excluded or because the plan is too expensive. Only 21 percent of part-time workers are included in an employer-sponsored pension plan. By comparison, 64 percent of standard full-time workers are included in their employer's pension plan.

Non-standard or alternative work arrangements can meet the needs of working families and employers alike, but these arrangements should not be used to divide the workforce into ''haves'' and ''have-nots.'' Flexible work arrangements, for example, can give working parents more time to care for their children, but many workers are not in their contingent jobs by choice. More than half of temporary workers would prefer a permanent job instead of their contingent job, but temporary work is all they can find.

As the GAO report makes clear, employers have economic incentives to cut costs by miscategorizing their workers as temporary or contract workers. Too often, contingent arrangements are set-up by employers for the purpose of excluding workers from their employee benefit programs and evading their responsibilities to their workers. Millions of employees have been miscategorized by their employers, and as a result they have been denied the benefits and protections that they rightly deserve and worked hard to earn.

All workers deserve a secure retirement at the end of their working years. Social Security has been and will continue to be the best foundation for that security. But the foundation is just that—the beginning of our responsibility, not the end of it. We cannot expect Americans to work hard all their lives, only to face poverty and hard times when they retire.

That is why I am introducing, with Senators TORRICELLI and HARKIN, the Employee Benefits Eligibility Fairness Act of 2000 to help contingent workers obtain the retirement benefits they deserve. This legislation clarifies employers' responsibilities under the law so that they cannot exclude contingent workers from employee benefit plans based on artificial labels or payroll practices.

This is an issue of basic fairness for working men and women. It is unfair for individuals who work full-time, on an indefinite long-term basis for an employer to be excluded from the employer's pension plan, merely because the employer classifies the workers as ''temporary'' when in fact they are not. The employer-employee relationship should be determined on the facts of

the working arrangement, not on artificial labels, not on artificial accounting practices, not artificial payroll practices.

It is long past time for Congress to recognize the plight of contingent workers and see that they get the employee benefits they deserve. These important changes are critical to improving the security of working families, and I look forward to their enactment.

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

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

S. 2946

*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 ''Employee Benefits Eligibility Fairness Act of 2000''.

**SEC. 2. FINDINGS AND PURPOSE.**

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

(1) The intent of the Employee Retirement Income Security Act of 1974 to protect the pension and welfare benefits of workers is frustrated by the practice of mislabeling employees to improperly exclude them from employee benefit plans. Employees are wrongly denied benefits when they are mislabeled as temporary employees, part-time employees, leased employees, agency employees, staffing firm employees, and contractors. If their true employment status were recognized, mislabeled employees would be eligible to participate in employee benefit plans because such plans are offered to other employees performing the same or substantially the same work and working for the same employer.

(2) Mislabeled employees are often paid through staffing, temporary, employee leasing, or other similar firms to give the appearance that the employees do not work for their worksite employer. Employment contracts and reports to government agencies also are used to give the erroneous impression that mislabeled employees work for staffing, temporary, employee leasing, or other similar firms, when the facts of the work arrangement do not meet the common law standard for determining the employment relationship. Employees are also mislabeled as contractors and paid from nonpayroll accounts to give the appearance that they are not employees of their worksite employer. These practices violate the Employee Retirement Income Security Act of 1974.

(3) Employers are amending their benefit plans to add provisions that exclude mislabeled employees from participation in the plan even in the event that such employees are determined to be common law employees and otherwise eligible to participate in the plan. These plan provisions violate the Employee Retirement Income Security Act of 1974.

(4) As a condition of employment or continued employment, mislabeled employees are often required to sign documents that purport to waive their right to participate in employee benefit plans. Such documents inaccurately claim to limit the authority of the courts and applicable Federal agencies to correct the mislabeling of employees and to enforce the terms of plans providing for their participation. This practice violates the Employee Retirement Income Security Act of 1974.

(b) PURPOSE.—The purpose of this Act is to clarify applicable provisions of the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly excluded from participation in employee benefit plans as a result of mislabeling of their employment status.

**SEC. 3. ADDITIONAL STANDARDS RELATING TO MINIMUM PARTICIPATION REQUIREMENTS.**

(a) REQUIRED INCLUSION OF SERVICE.—Section 202(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1052(a)(3)) is amended by adding at the end the following new subparagraph:

''(E) For purposes of this section, in determining 'years of service' and 'hours of service', service shall include all service for the employer as an employee under the common law, irrespective of whether the worker—

''(i) is paid through a staffing firm, temporary help firm, payroll agency, employment agency, or other such similar arrangement,

''(ii) is paid directly by the employer under an arrangement purporting to characterize an employee under the common law as other than an employee, or

''(iii) is paid from an account not designated as a payroll account.''

(b) EXCLUSION PRECLUDED WHEN RELATED TO CERTAIN PURPORTED CATEGORIZATIONS.—Section 202 of such Act (29 U.S.C. 1052) is amended further by adding at the end the following new subsection:

''(c)(1) Subject to paragraph (2), a pension plan shall be treated as failing to meet the requirements of this section if any individual who—

''(A) is an employee under the common law, and

''(B) performs the same work (or substantially the same work) for the employer as other employees who generally are not excluded from participation in the plan,

is excluded from participation in the plan, irrespective of the placement of such employee in any category of workers (such as temporary employees, part-time employees, leased employees, agency employees, staffing firm employees, contractors, or any similar category) which may be specified under the plan as ineligible for participation.

''(2) Nothing in paragraph (1) shall be construed to preclude the exclusion from participation in a pension plan of individuals who in fact do not meet a minimum service period or minimum age which is required under the terms of the plan and which is otherwise in conformity with the requirements of this section.''

**SEC. 4. WAIVERS OF PARTICIPATION INEFFECTIVE IF RELATED TO MISCATEGORIZATION OF EMPLOYEE.**

Section 202 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1052) (as amended by section 3) is amended further by adding at the end the following new subsection:

''(d) Any waiver or purported waiver by an employee of participation in a pension plan or welfare plan shall be ineffective if related, in whole or in part, to the a miscategorization of the employee in 1 or more ineligible plan categories.''

**SEC. 5. OBJECTIVE ELIGIBILITY CRITERIA IN PLAN INSTRUMENTS.**

Section 402 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1102) is amended by adding at the end the following new subsection:

''(c)(1) The written instrument pursuant to which an employee benefit plan is maintained shall set forth eligibility criteria which—

''(A) include and exclude employees on a uniform basis;

''( B) are based on reasonable job classifications; and

''(C) are based on objective criteria stated in the instrument itself for the inclusion or exclusion (other than the mere listing of an employee as included or excluded).

''(2) No plan instrument may permit an employer or plan sponsor to exclude an employee under the common law from participation irrespective of the placement of such employee in any category of workers (such as temporary employees, leased employees, agency employees, staffing firm employees, contractors, or any similar category) if the employee—

''(A) is an employee of the employer under the common law,

''(B) performs the same work (or substantially the same work) for the employer as other employees who generally are not excluded from participation in the plan, and

''(C) meets a minimum service period or minimum age which is required under the terms of the plan.''

**SEC. 6. ENFORCEMENT.**

Section 502(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)(3)(B)) is amended—

(1) by striking ''or'' in clause (i) and inserting a comma,

(2) by striking the semicolon at the end of clause (ii) and inserting '', or'', and

(3) by adding at the end the following: ''(iii) to provide relief to employees who have been miscategorized in violation of sections 202 and 402;''.

**SEC. 7. EFFECTIVE DATE.**

The amendments made by this Act shall apply with respect to plan years beginning on or after the date of the enactment of this Act.

---

By Mr. CAMPBELL:

S. 2950. A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

INTRODUCTION OF LEGISLATION TO CREATE THE SAND CREEK NATIONAL HISTORIC SITE

Mr. CAMPBELL. Mr. President, today I introduce the Sand Creek Massacre National Historic Site Establishment Act of 2000, legislation which will finally recognize and memorialize the hallowed ground on which hundreds of peaceful Cheyenne and Arapaho Indians were massacred by members of the Colorado Militia.

The legislation I introduce today follows The Sand Creek Massacre Historic Site Study Act of 1998, legislation I introduced and Congress approved to study the suitability of creating an enduring memorial to the slain innocents who were camped peacefully near Sand Creek, in Kiowa County, in Colorado on November 28, 1868.

Much has been written about the horrors visited upon the plains Indians in the territories of the Western United States in the latter half of the 19th century. However, what has been lost for more than a century is a comprehensive understanding of the events of that day in a grove of cottonwood trees along Sand Creek now SE Colorado. In some cases denial of the events of the day or a sense that ''the Indians had it coming'' has prevailed.

This legislation finally recognizes a shameful event in our country's history based on scientific studies, and

makes it clear America has the strength and resolve to face its past and learn the painful lessons that come with intolerance.

The indisputable facts are these: 700 members of the Colorado Militia, commanded by Colonel John Chivington struck at dawn that November day, attacking a camp of Cheyenne and Arapaho Indians settled under the U.S. Flag and a white flag which the Indian Chiefs Black Kettle and White Antelope were told by the U.S. would protect them from military attack.

By day's end, almost 150 Indians, many of them women, children and the elderly, lay dead. Chivington's men reportedly desecrated the bodies of the dead after the massacre, and newspaper reports from Denver at the time told of the troops displaying Indian body parts in a gruesome display as they rode through the streets of Colorado's largest city following the attack.

The perpetrators of this horrible attack which left Indian women and even babies dead, were never brought to justice even after a congressional investigation concerning this brutality.

The legislation I introduce today authorizes the National Park Service to enter into negotiations with willing sellers only, in an attempt to secure property inside a boundary which encompasses approximately 12,470 acres as identified by the National Park Service, for a lasting memorial to events of that fateful day.

This legislation has been developed over the course of the last 18 months. It represents a remarkable effort which brought divergent points of view together to define the events of that day and to plan for the future protection of this site. The National Park Service, with the cooperation of the Kiowa County Commissioners, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe and the Northern Arapaho Tribe, the State of Colorado and many local landowners and volunteers have completed extensive cultural, geomorphological and physical studies of the area where the massacre occurred.

All of those involved in this project agree, not acting now is not a option. This legislation does not compel any private property owner to sell his or her property to the federal government. It allows the National Park Service to negotiate with willing sellers to secure property at fair market value, for a national memorial. This process could take years. However, several willing sellers have come forward and are willing to negotiate with the NPS. The property they own has been identified by the NPS as suitable for a memorial. Additional acquisitions of property from willing sellers could come in the future. However, the Sand Creek National Historic Site could never extend beyond the 12,470 acres identified by the site resource study already completed.

This legislation has come to being because all of those involved have exhibited an extraordinary ability to put aside their differences, look with equal measure at the scientific evidence and the oral traditions of the Tribes, and come up with a plan that equally honors the memory of those killed and the rights of the private property owners who have been faithful and responsible stewards of this site. We have a window of opportunity here that will not always be available. I encourage my colleagues to respect the memory of those so brutally killed and support the creation of a National Historic Site on this hallowed ground in Kiowa County, in Colorado.

I ask unanimous consent that the bill and other research material associated with the studies of the Sand Creek site be printed in the RECORD for my colleagues or the public to review.

---

By Mr. TORRICELLI:

S. 2953. A bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

THE VETERANS' RIGHT TO KNOW ACT

Mr. TORRICELLI: Mr. President, I rise today to introduce the Veterans' Right to Know Act which will assist millions of brave Americans who have served this nation in times of war. This legislation would ensure that all veterans are fully informed of the various benefits that they have earned through their brave and dedicated service to their country.

Throughout the history of the United States, the interests of our nation have been championed by ordinary citizens who willingly defend our nation when called upon. During the times of crisis which threatened the very existence of our Republic, we persevered because young men and women from all walks of life took up arms to defend the ideals by which this nation was founded. Whether it was winning our freedom from an oppressive empire, preserving our Union, defeating fascism or battling the spread of communism, the American people have time and time again answered the call to defend liberty, justice and democracy at home and throughout the world.

Our government owes a debt of gratitude to each and every one of our veterans, and we must make a concerted effort to show our appreciation for their valiant service. The Department of Veterans Affairs (VA) provides the necessary health care services and benefits to our war heroes; however, over half of the veterans in the United States are not fully aware of the benefits or pensions to which they are entitled.

The bill I introduced today is straightforward and it does not call for the creation of new benefits. Rather, it seeks to ensure that our veterans are well informed of the benefits they are entitled to as a result of their service or injuries sustained during their service to their country.

This legislation would require the VA to inform veterans about their eligibility for benefits and health care services whenever they first apply for any benefit with the VA. Furthermore, many times, widows and surviving family members of veterans are not aware of the special benefits available to them when their family member passes. My bill would help these individuals in their time of loss by instructing the VA to inform them of the benefits for which they are eligible on the passing of their loved one.

My legislation also seeks to reach out to those veterans who are not currently enrolled in the VA system by calling upon the Secretary of Veterans Affairs to prepare an annual outreach plan that will encourage eligible veterans to register with the VA as well as keeping current enrollees aware of any changes to benefits or eligibility requirements.

This bill will help ensure that our government and its services for veterans are there for the men and women who have served this nation in the armed forces. I am hopeful that my colleagues in the Senate will recognize the tremendous service that our veterans have given and support this reasonable measure to ensure that our veterans receive the benefits they deserve.

---

By Mr. HOLLINGS (for himself, Ms. SNOWE, Mr. KERREY, Mr. STEVENS, Mr. BREAUX, and Mr. CLELAND):

S. 2954. A bill to establish the Dr. Nancy Foster Marine Biology Scholarship Program; to the Committee on Commerce, Science, and Transportation.

THE NANCY FOSTER SCHOLARSHIP ACT

Mr. HOLLINGS. Mr. President, I rise today to introduce the Nancy Foster Scholarship Act, legislation to create a scholarship program in marine biology or oceanography in honor of Dr. Nancy Foster, head of the National Ocean Service at the National Oceanic and Atmospheric Administration (NOAA) until her passing on Tuesday, June 27, 2000. I am proud to introduce legislation to commemorate the life and work of such a wonderful leader, mentor, and coastal advocate. I thank my colleagues Senators SNOWE, KERRY, STEVENS, BREAUX, and CLELAND for joining me in recognizing Dr. Foster's strong commitment to improving the conservation and scientific understanding of our precious coastal resources.

My legislation would create a Nancy Foster Marine Biology Scholarship Program within the Department of Commerce. This Program would provide scholarship funds to outstanding women and minority graduate students to support and encourage independent graduate level research in marine biology. It is my hope that this scholarship program will promote the development of future leaders of Dr. Foster's caliber.

Dr. Foster was the first woman to direct a NOAA line office, and during her 23 years at NOAA rose to one of the most senior levels a career professional can achieve. She directed the complete modernization of NOAA's essential nautical mapping and charting programs, and created a ground-breaking partnership with the National Geographic Society to launch a 5-year undersea exploration program called the Sustainable Seas Expedition. Dr. Foster was a strong and enthusiastic mentor to young people and a staunch ally to her colleagues, and for this reason, I believe the legislation I am introducing today to be the most appropriate way for us all to ensure that her deep commitment to marine science continues on in others.

Mr. President, we will all feel Dr. Foster's loss deeply for years to come. The creation of a scholarship program in her honor is one small way we can thank a person who did so much for us all.

---

By Mr. DEWINE (for himself, Mr. HATCH, Mr. VOINOVICH, and Mr. LEAHY);

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide relief for the payment of asbestos-related claims; to the Committee on Finance.

ASBESTOS-RELATED CLAIMS RELIEF LEGISLATION

Mr. HATCH. Mr. President, I rise today as an original cosponsor of the bill introduced today by my friend and colleague from Ohio, Senator DEWINE, that would provide relief for payment of asbestos-related claims.

I urge my colleagues on the Finance Committee to take a close look at the serious problem this bill addresses. Certain manufacturers who were required by government specification to use asbestos in their products are facing a severe financial crisis arising from claims made by individuals who are suffering health problems from asbestos-related diseases. These claims have put several of these companies into bankruptcy, and several more appear to be on the brink of insolvency. Thousands of jobs may be at stake, as may be the proper compensation of the victims of the illnesses.

A major part of the underlying justification for this measure is that the federal government shares some culpability in the harm caused by the asbestos-related products manufactured by these companies. For example, from World War II through the Vietnam War, the government required that private contractors and shipyard workers use asbestos to insulate navy ships from so-called ''secondary fires.'' Because of sovereign immunity, however, the government has not had to share in paying the damages, leaving American companies to bear the full and ongoing financial load of compensation.

The legislation we are introducing today is a step toward recognizing that the federal government is partially responsible for payment of these claims. It does so through two income tax provisions, both of which directly benefit the victims of the illnesses.

The first provision exempts from income tax the income earned by a designated or qualified settlement fund established for the principal purpose of resolving and satisfying present and future claims relating to asbestos illnesses. The effect of this provision, Mr. President, is to increase the amount of money available for the payment of these claims.

The second provision allows taxpayers with specified liability losses attributable to asbestos to carry back those losses to the tax year in which the taxpayer, or its predecessor company, was first involved in producing or distributing products containing asbestos.

This provision is a matter of fairness, Mr. President. Because of the long latency period related to asbestos-related diseases, which can be as long as 40 years, many of these claims are just now arising. Current law provides for the carryback of this kind of liability losses, but only for a ten-year period.

Many of the companies involved earned profits and paid taxes on those profits in the years the asbestos-related products were made or distributed. However, it is now clear, many years after the taxes were paid, that there were no profits earned at all, since millions of dollars of health claims relating to those products must now be paid.

It is only fair, and it is sound tax policy, to allow relief for situations like these. Again, it should be emphasized that the primary beneficiaries of this tax change will not be the corporations, but the victims of the illnesses, because the taxpayer would be required to devote the entire amount of the tax reduction to paying the claims.

This is not the only time the federal government has been at least partially responsible for health problems of citizens that arose many years after the event that initially triggered the problem. During the Cold War, America conducted above ground atomic tests during which the wind blew the fallout into communities and ranches of Utah, New Mexico and Arizona. The government also demanded quantities of uranium, which is harmful to those who mined and milled it. The incidence of cancers and other debilitating diseases caused by this activity among the ''downwinders,'' miners and millers has been acknowledged by the federal government.

The least we can do for those manufacturers forced to use asbestos instead of other materials is provide some tax relief for their compensation funds.

This legislation has substantial bipartisan backing. It is sponsored in the House by both the Chairman and Ranking Minority Member of the Judiciary Committee. It is backed by the by the U.S. Chamber of Commerce and by at least one related labor union. This bill addresses a very serious problem and is the right thing to do. I hope we can pass it expeditiously.

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

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

S. 2955

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

**SECTION 1. EXEMPTION FOR ASBESTOS-RELATED SETTLEMENT FUNDS.**

(a) EXEMPTION FOR ASBESTOS-RELATED SETTLEMENT FUNDS.—Subsection (b) of section 468B of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) EXEMPTION FROM TAX FOR ASBESTOS-RELATED DESIGNATED SETTLEMENT FUNDS.—Notwithstanding paragraph (1), no tax shall be imposed under this section or any other provision of this subtitle on any designated settlement fund established for the principal purpose of resolving and satisfying present and future claims relating to asbestos.''

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 468B(b) of the Internal Revenue Code of 1986 is amended by striking ''There'' and inserting ''Except as provided in paragraph (6), there''.

(2) Subsection (g) of section 468B of such Code is amended by inserting ''(other than subsection (b)(6))'' after ''Nothing in any provision of law''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

**SEC. 2. MODIFY TREATMENT OF ASBESTOS-RELATED NET OPERATING LOSSES.**

(a) ASBESTOS-RELATED NET OPERATING LOSSES.—Subsection (f) of section 172 of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) SPECIAL RULES FOR ASBESTOS LIABILITY LOSSES.—

''(A) IN GENERAL.—At the election of the taxpayer, the portion of any specified liability loss that is attributable to asbestos may, for purposes of subsection (b)(1)(C), be carried back to the taxable year in which the taxpayer, including any predecessor corporation, was first involved in the production or distribution of products containing asbestos and each subsequent taxable year.

''(B) COORDINATION WITH CREDITS.—If a deduction is allowable for any taxable year by reason of a carryback described in subparagraph (A)—

''(i) the credits allowable under part IV (other than subpart C) of subchapter A shall be determined without regard to such deduction, and

''(ii) the amount of taxable income taken into account with respect to the carryback under subsection (b)(2) for such taxable year shall be reduced by an amount equal to—

''(I) the increase in the amount of such credits allowable for such taxable year solely by reason of clause (i), divided by

''(II) the maximum rate of tax under section 1 or 11 (whichever is applicable) for such taxable year.

''(C) CARRYFORWARDS TAKEN INTO ACCOUNT BEFORE ASBESTOS-RELATED DEDUCTIONS.—For purposes of this section—

''(i) in determining whether a net operating loss carryforward may be carried under subsection (b)(2) to a taxable year, taxable income for such year shall be determined

without regard to the deductions referred to in paragraph (1)(A) with respect to asbestos, and

''(ii) if there is a net operating loss for such year after taking into account such carryforwards and deductions, the portion of such loss attributable to such deductions shall be treated as a specified liability loss that is attributable to asbestos.

''(D) LIMITATION.—The amount of reduction in income tax liability arising from the election described in subparagraph (A) that exceeds the amount of reduction in income tax liability that would have resulted if the taxpayer utilized the 10-year carryback period under subsection (b)(1)(C) shall be devoted by the taxpayer solely to asbestos claimant compensation and related costs, through a designated settlement fund or otherwise.

''(E) CONSOLIDATED GROUPS.—For purposes of this paragraph, all members of an affiliated group of corporations that join in the filing of a consolidated return pursuant to section 1501 (or a predecessor section) shall be treated as 1 corporation.

''(F) PREDECESSOR CORPORATION.—For purposes of this paragraph, a predecessor corporation shall include a corporation that transferred or distributed assets to the taxpayer in a transaction to which section 381(a) applies or that distributed the stock of the taxpayer in a transaction to which section 355 applies.''

(b) CONFORMING AMENDMENT.—Paragraph (7) of section 172(f) of the Internal Revenue Code of 1986, as redesignated by this section, is amended by striking ''10-year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

---

By Mr. CAMPBELL:

S. 2956. A bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO CANYONS PRESERVATION ACT OF 2000

Mr. CAMPBELL. Mr. President, today I introduce legislation which would preserve over 130,000 acres of land in Western Colorado. This legislation is supported locally by property owners, county commissioners, environmentalists, and recreational groups. My bill is a Senate companion to H.R. 4275 which was introduced by my colleague and fellow Coloradan Representative SCOTT MCINNIS.

The areas proposed for Wildernesss Protection are the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley near Grand Junction, Colorado. They contain unique and valuable scenic, recreational, multiple use, paleontological, natural, and wildlife components. This historic rural western setting provides extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing. This area is truly worthy of additional protection as a national conservation area.

This legislation has the support of the administration and should easily be signed into law. The only issue confronting us is the limited amount of time left in the 106th Congress. I hope we will be able to move this legislation quickly through the process and that it will not get bogged down in partisan politics. It simply is the right thing to do.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

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

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

S. 2956

*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 ''Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that certain areas located in the Grand Valley in Mesa County, Colorado, and Grand County, Utah, should be protected and enhanced for the benefit and enjoyment of present and future generations. These areas include the following:

(1) The areas making up the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley, which contain unique and valuable scenic, recreational, multiple use opportunities (including grazing), paleontological, natural, and wildlife components enhanced by the rural western setting of the area, provide extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing, and are worthy of additional protection as a national conservation area.

(2) The Black Ridge Canyons Wilderness Study Area has wilderness value and offers unique geological, paleontological, scientific, and recreational resources.

(b) PURPOSE.—The purpose of this Act is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands described in section 4(b), including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Colorado Canyons National Conservation Area established by section 4(a).

(2) COUNCIL.—The term ''Council'' means the Colorado Canyons National Conservation Area Advisory Council established under section 8.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed for the Conservation Area under section 6(h).

(4) MAP.—The term ''Map'' means the map entitled ''Proposed Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Area'' and dated July 18, 2000.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WILDERNESS.—The term ''Wilderness'' means the Black Ridge Canyons Wilderness so designated in section 5.

**SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION AREA.**

(a) IN GENERAL.—There is established the Colorado Canyons National Conservation Area in the State of Colorado and the State of Utah.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 122,300 acres of public land as generally depicted on the Map.

**SEC. 5. BLACK RIDGE CANYONS WILDERNESS DESIGNATION.**

Certain lands in Mesa County, Colorado, and Grand County, Utah, which comprise approximately 75,550 acres as generally depicted on the Map, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. Such component shall be known as the Black Ridge Canyons Wilderness.

**SEC. 6. MANAGEMENT.**

(a) CONSERVATION AREA.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources of the Conservation Area specified in section 2(b); and

(2) is in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purposes for which the Conservation Area is established.

(c) WITHDRAWALS.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired for the Conservation Area or the Wilderness by the United States are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subsection shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(d) OFF-HIGHWAY VEHICLE USE.—

(1) IN GENERAL.—Except as provided in paragraph (2), use of motorized vehicles in the Conservation Area—

(A) before the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public lands in the Conservation Area; and

(B) after the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.

(2) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Paragraph (1) shall not limit the use of motor vehicles in the Conservation Area as needed for administrative purposes or to respond to an emergency.

(e) WILDERNESS.—Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(f) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Hunting, trapping, and fishing shall be allowed within the Conservation Area and the Wilderness in accordance

with applicable laws and regulations of the United States and the States of Colorado and Utah.

(2) AREA AND TIME CLOSURES.—The head of the Colorado Division of Wildlife (in reference to land within the State of Colorado), the head of the Utah Division of Wildlife (in reference to land within the State of Utah), or the Secretary after consultation with the Colorado Division of Wildlife (in reference to land within the State of Colorado) or the head of the Utah Division of Wildlife (in reference to land within the State of Utah), may issue regulations designating zones where, and establishing limited periods when, hunting, trapping, or fishing shall be prohibited in the Conservation Area or the Wilderness for reasons of public safety, administration, or public use and enjoyment.

(g) GRAZING.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area and the Wilderness in accordance with the same laws (including regulations) and Executive orders followed by the Secretary in issuing and administering grazing leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—Grazing of livestock in the Wilderness shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the guidelines set forth in Appendix A of House Report 101–405 of the 101st Congress.

(h) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-range protection and management of the Conservation Area and the Wilderness and the lands described in paragraph (2)(E).

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area and the Wilderness;

(B) take into consideration any information developed in studies of the land within the Conservation Area or the Wilderness;

(C) provide for the continued management of the utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site as such for the land designated on the Map as utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site;

(D) take into consideration the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area and the Wilderness, as well as the Ruby Canyon/Black Ridge Integrated Resource Management Plan, dated March 1998, which was the result of collaborative efforts on the part of the Bureau of Land Management and the local community; and

(E) include all public lands between the boundary of the Conservation Area and the edge of the Colorado River and, on such lands, the Secretary shall allow only such recreational or other uses as are consistent with this Act.

(i) NO BUFFER ZONES.—The Congress does not intend for the establishment of the Conservation Area or the Wilderness to lead to the creation of protective perimeters or buffer zones around the Conservation Area or the Wilderness. The fact that there may be activities or uses on lands outside the Conservation Area or the Wilderness that would not be allowed in the Conservation Area or the Wilderness shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area or the Wilderness consistent with other applicable laws.

(j) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-federally owned land within the exterior boundaries of the Conservation Area or the Wilderness only through purchase from a willing seller, exchange, or donation.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall be managed as part of the Conservation Area or the Wilderness, as the case may be, in accordance with this Act.

(k) INTERPRETIVE FACILITIES OR SITES.—The Secretary may establish minimal interpretive facilities or sites in cooperation with other public or private entities as the Secretary considers appropriate. Any facilities or sites shall be designed to protect the resources referred to in section 2(b).

(l) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands;

(B) the lands designated as wilderness by this Act generally are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities;

(C) it is possible to provide for proper management and protection of the wilderness and other values of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) STATUTORY CONSTRUCTION.—

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands designated as a national conservation area or as wilderness by this Act.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on the date of the enactment of this Act.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future national conservation area or wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(3) COLORADO WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Conservation Area and the Wilderness.

(4) NEW PROJECTS.—

(A) As used in this paragraph, the term ''water resource facility'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. Such term does not include any such facilities related to or used for the purpose of livestock grazing.

(B) Except as otherwise provided by section 6(g) or other provisions of this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(C) Except as provided in this paragraph, nothing in this Act shall be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on the date of the enactment of this Act within the boundaries of the Wilderness.

(5) BOUNDARIES ALONG COLORADO RIVER.—(A) Neither the Conservation Area nor the Wilderness shall include any part of the Colorado River to the 100-year high water mark.

(B) Nothing in this Act shall affect the authority that the Secretary may or may not have to manage recreational uses on the Colorado River, except as such authority may be affected by compliance with paragraph (3). Nothing in this Act shall be construed to affect the authority of the Secretary to manage the public lands between the boundary of the Conservation Area and the edge of the Colorado River.

(C) Subject to valid existing rights, all lands owned by the Federal Government between the 100-year high water mark on each shore of the Colorado River, as designated on the Map from the line labeled ''Line A'' on the east to the boundary between the States of Colorado and Utah on the west, are hereby withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

**SEC. 7. MAPS AND LEGAL DESCRIPTIONS.**

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the Map and a legal description of the Conservation Area and of the Wilderness.

(b) FORCE AND EFFECT.—The Map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the Map and the legal descriptions.

(c) PUBLIC AVAILABILITY.—Copies of the Map and the legal descriptions shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Grand Junction District Office of the Bureau of Land Management in Colorado;

(3) the appropriate office of the Bureau of Land Management in Colorado, if the Grand Junction District Office is not deemed the appropriate office; and

(4) the appropriate office of the Bureau of Land Management in Utah.

(d) MAP CONTROLLING.—Subject to section 6(l)(3), in the case of a discrepancy between the Map and the descriptions, the Map shall control.

**SEC. 8. ADVISORY COUNCIL.**

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall establish an advisory council to be known as the ''Colorado Canyons National Conservation Area Advisory Council''.

(b) DUTY.—The Council shall advise the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall consist of 10 members to be appointed by the Secretary including, to the extent practicable:

(1) A member of or nominated by the Mesa County Commission.

(2) A member nominated by the permittees holding grazing allotments within the Conservation Area or the Wilderness.

(3) A member of or nominated by the Northwest Resource Advisory Council.

(4) Seven members residing in, or within reasonable proximity to, Mesa County, Colorado, with recognized backgrounds reflecting—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and the Wilderness.

**SEC. 9. PUBLIC ACCESS.**

(a) IN GENERAL.—The Secretary shall continue to allow private landowners reasonable access to inholdings in the Conservation Area and Wilderness.

(b) GLADE PARK.—The Secretary shall continue to allow public right of access, including commercial vehicles, to Glade Park, Colorado, in accordance with the decision in Board of County Commissioners of Mesa County v. Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

---

By Mr. ROTH:

S. 2957. A bill to amend title XVIII of the Social Security Act to preserve coverage of drugs and biologicals under part B of the medicare program; to the Committee on Finance.

MEDICARE SELF-ADMINISTERED MEDICATIONS ACT

Mr. ROTH. Mr. President, today I am introducing a bill to address a serious problem regarding Medicare's treatment of self-injectable drugs. Section 1862(s) of the Social Security Act defines covered ''medical and other health services'' for purposes of coverage under Medicare Part B. Included in the definition are:

(2)(A) services and supplies (including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered) furnished as incident to a physician's professional service, of kinds which are commonly furnished in physicians' offices and are commonly either rendered without charge or included in the physicians' bills . . .

Regulations at 42 C.F.R. 410.29 provide further limitations on drugs and biologicals, but they do not define the phrase ''cannot be self-administered.'' Individual Medicare carriers have reportedly applied different policies when considering whether a drug or biological can or cannot be self-administered. Some carriers have based the determination on the typical means of administration while others have assessed the individual patient's ability to administer the drug.

On August 13, 1997, HCFA issued a memorandum to Medicare carriers which was intended to clarify program policy. The memorandum stated that the inability to self-administer is to be based on the typical means of administration of the drug, not on the individual patient's ability to administer the drug. The memorandum stated that: ''The individual patient's mental or physical ability to administer any drug is not a consideration for this purpose.''

As a result of this memorandum, certain patients, for example patients with multiple sclerosis or some forms of cancer, no longer had Medicare coverage for certain drugs. However, implementation of this policy directive has been halted for FY2000. On November 29, 1999, the President signed into law the Consolidated Appropriations Act for 2000. Section 219 of General Provisions in Title II, Department of Health and Human Services contains a provision relating to the memorandum. The provision prohibits the use of any funds to carry out the August 13, 1997, transmittal or to promulgate any regulation or other transmittal or policy directive that has the effect of imposing (or clarifying the imposition of) a restriction on the coverage of injectable drugs beyond those applied on the day before issuance of the transmittal.

The definition of covered services continues to be of concern to policymakers. On March 23, 2000, the House Commerce Committee, Subcommittee on Health & Environment held a hearing on this issue. I understand that there was a very productive discussion of other policy options during the question and answer period. One witness, Dr. Earl Steinberg of Johns Hopkins University, suggested having the beneficiary's physician determine whether a medication can or cannot be self-injected. The bill I am introducing today follows that expert advice and introduces the judgment of the physician into the decision process.

On May 17, 2000 I sent a letter to HCFA Administrator DeParle, requesting her serious attention to this problem. I went further to ask her to propose an administrative remedy for the inequity that existed. In her reply, she stated that she was ''very troubled by the predicament of beneficiaries whose drugs are not covered under the law.'' But it is clear from Administrator DeParle's letter, that without legislative authority there is only a limited amount HCFA will do to address this problem.

The bill I am introducing today allows a Medicare beneficiary's own physician to make the determination of whether the beneficiary can or cannot administer their medication. I would ask for my colleagues' support in this legislation. This issue is of vital importance to some of our most gravely ill Medicare beneficiaries. These beneficiaries, many with advanced cases of multiple sclerosis or cancer, deserve our help and they deserve it today. I ask consent that the full text be printed in the RECORD.

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

S. 2957

*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 ''Medicare Self-Administered Medications Act of 2000''.

**SEC. 2. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.**

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking ''(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)'' and inserting ''(including drugs and biologicals for which the usual method of administration of the form of drug or biological is not patient self-administration or, in the case of injectable drugs and biologicals, for which the physician determines that self-administration is not medically appropriate)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs and biologicals administered on or after October 1, 2000.

---

By Mr. SANTORUM:

S. 2958. A bill to establish a national clearinghouse for youth entrepreneurship education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

YOUTH ENTREPRENEURSHIP CLEARINGHOUSE AND CURRICULUM-BASED YOUTH ENTREPRENEURSHIP

Mr. SANTORUM. Mr. President, today I am introducing legislation to empower at-risk youths and their communities. My legislation would establish a national youth entrepreneurship clearinghouse and permit curriculum-based youth entrepreneurship education as an allowable use of funds. Only curriculum-based youth entrepreneurship programs that demonstrate success in equipping disadvantaged youth with applied math and other analytical skills would be eligible for assistance under this measure. Students who participate in these programs learn basic entrepreneurial skills and gain a better understanding of the relationship between the subjects they learn in their classrooms and the business world. By teaching students practical skills needed to establish and maintain thriving entrepreneurial projects, the programs empower students and prepare them for future endeavors as contributing members of their communities. My legislation will instill pride in at-risk youths by providing them with the opportunity to improve their surroundings, while they explore and learn about the many career choices available to them in the business world.

I am pleased that this measure was included in the Elementary and Secondary Education Reauthorization bill passed by the House of Representatives, and it is my hope that we can facilitate its passage in the Senate and move closer to providing significant and meaningful initiatives for our children in need.

---

By Mr. WYDEN:

S. 2960. A bill to provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to

individual retirement plans; to the Committee on Finance.

THE CAPITAL CONSTRUCTION FUND REFORM ACT

Mr. WYDEN. Mr. President, I am pleased today to introduce the Capital Construction Fund Reform Act of 2000.

The Capital Construction Fund (CCF) was originally created by the Merchant Marine Act as a way to encourage the construction and use of American-owned vessels in U.S. waters. For fishermen, the Capital Construction Fund authorizes the accumulation of funds, free from taxes, for the purpose of buying or refitting commercial fishing vessels. The program has been a success in promoting the domestic fishing industry. However, the usefulness of the CCF has not kept up with the times. Today it is actually exacerbating the problems facing U.S. fisheries by forcing fishermen to keep their money in fishing vessels, rather than allowing them to retire from fishing and pursue other interests.

Our nation's fisheries are collapsing. Over the past year, fisheries in New England, Alaska and the West Coast have been officially declared disasters by the Secretary of Commerce. Plainly speaking, there are too many boats and not enough fish. Along the West Coast, a mere 200 of the 1400 boats currently fishing could catch the entire allowable harvest of groundfish. That means we could buyout 85 percent of the boats and still not reduce capacity in our fisheries. Since 1995, Congress has appropriated $140 million to buy fishing vessels and permits back from fishermen. Clearly, more needs to be done. This legislation empowers the fisherman to make his own choices to stay or leave the fishery with his own money.

In these times when we ought to be reducing the number of boats in our fisheries, it does not make sense for federal policy to encourage fishermen to build more of them. Yet current law prohibits fishermen from getting their own money out of CCF accounts for any purpose other than building boats. If they do, they lose up to 70 percent of their money in taxes and penalties. When fishermen have already been hit with increasingly severe harvest restrictions over the past few years, it is just not fair to hold their own money hostage.

That is why I'm introducing a bill that makes it easier for fishermen to withdraw their funds from the Capital Construction Fund if they retire from the fishery. My bill would allow fund holders to roll their funds over into an Individual Retirement Account (IRA) or other retirement fund. It would also allow them to use their own money to participate in buyback programs. This bill also eliminates the tax-penalty for withdrawals for those folks wishing to leave the industry.

Mr. President, this bill enjoys wide support from a variety of organizations with an interest in our nation's fisheries. Environmental groups, trawlers, small boat operators and processors alike have expressed their enthusiasm for this legislation. I urge my colleagues to support the swift adoption of this bill so that our fisherman can start making their own choices about their businesses and lives.

I ask unanimous consent that my statement and the bill be printed in the RECORD.

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

S. 2960

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

**SECTION 1. SHORT TITLE**

The Act may be cited as ''The Capital Construction Fund (CCF) Qualified Withdrawal Act of 2000''.

**SECTION 2. EXPANSION OF PURPOSES OF THE CAPITAL CONSTRUCTION FUND BY AMENDING THE MERCHANT MARINE ACT OF 1936**

Section 607(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(a)) is amended by striking ''of this section.'' and inserting ''of this section. Any agreement entered into under this section may be modified for the purpose of encouraging the sustainability of the fisheries of the United States by making the termination and withdrawal of a capital construction fund account a qualified withdrawal if done in exchange for the retirement of the related commercial fishing vessels and related commercial fishing permits.''

**SECTION 3. NEW QUALIFIED WITHDRAWALS**

(a) AMENDMENTS TO MERCHANT MARINE ACT OF 1936.—Section 607(f)(1) of the Merchant Marine Act of 1936 (46 U.S.C. App. 1177(f)(1)) is amended:

(1) in subparagraph (B) by striking ''vessel, or'' and inserting ''vessel,''

(2) in subparagraph (C) by striking ''vessel.'' and inserting ''vessel,''

(3) by inserting after subparagraph (C) the following new subparagraphs:

''(D) the payment of an industry fee authorized by the fishing capacity reduction program, 16 U.S.C. 1861,

''(E) in the case of any such person or shareholder for whose benefit such fund was established, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person's individual retirement plan (as defined in section 7701(a)(37) of such Code), or

''(F) (i) for the payment to a corporation or person terminating a capital construction fund and retiring related commercial fishing vessels and permits.

(ii) The Secretary by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized by (F)(i) retires the related commercial use of fishing vessels and commercial fishery permits.''

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 7518(e)(1) of the Internal Revenue Code of 1986 (relating to purposes of qualified withdrawals) is amended by inserting after subparagraph (C) the following new subparagraphs:

''(D) the payment of an industry fee authorized by the fishing capacity reduction program, 16 U.S.C. 1861.

''(E) in the case of any such person or shareholder for whose benefit such fund was established, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person's individual retirement plan (as defined in section 7701(a)(37) of such Code), or

''(F)(i) for the payment to a corporation or person terminating a capital construction fund and retiring related commercial fishing vessels and permits.

(ii) The Secretary by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized by (F)(i) retires the related commercial use of fishing vessels and commercial fishery permits.''

---

By Mr. SMITH of New Hampshire:

S. 2962. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

THE FEDERAL REFORMULATED FUELS ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, today I have introduced legislation, S. 2962, which I believe will deal once and for all with the MTBE problem that is facing us all across America, specifically New England. In the Northeast, as well as California and other areas of the country, we are beginning to see evidence of MTBE in ground water. This is a serious environmental problem that must be addressed. It is certainly a problem in New Hampshire.

I rise today to speak for my constituents in New Hampshire who are now having their wells, several a week by the way, being contaminated by MTBE. This is my home State. This is a serious problem there. I am here to offer this legislation to help my constituents in New Hampshire get relief from MTBE, which is a pollutant in their wells. But I am also here to speak for all Americans across the country who have MTBE in their wells, whether they be in California or New Hampshire.

MTBE has done more damage to our drinking water than we would care to know. MTBE has been a component of our fuel supply for over two decades. In 1990, we amended the Clean Air Act to include a clean gasoline program. Unfortunately, we did not look at the science that was probably more evident than not. Because we did not look at that science, we have now created another environmental problem of a huge magnitude, which is probably going to cost billions of dollars to clean up. If there is a moral here, or lesson, it should be: Use good science. Look carefully before you leap into some of these environmental dilemmas.

That program in the 1990 Clean Air Act amendment mandated use of 2 percent oxygen in the gas, by weight. In other words, 2 percent of the weight of a gallon of gasoline should be oxygen. That was put in the fuel.

MTBE was one of two options that could be used. The problem with MTBE is that it has this ability to migrate through the ground very quickly and then into the water table. What is MTBE? It is an ether, and in the event of a leak or gas spill, the MTBE will separate from the gas and migrate through the ground very quickly. The real problem starts when MTBE finds its way into the ground water, which it frequently does.

Several States have had gasoline leaks, or spills, that led to the closure of wells because of MTBE. It smells. It tastes horrible. It is not the kind of thing you want to see come out of your shower or your faucet when you are ready to use your water. This is a serious problem. Some have made light of it, frankly, in this body, in the sense that maybe it is not such a serious problem and maybe we should look at some other alternatives other than banning it. But we need to ban MTBE. The legislation I am introducing today will do that. It does it in a responsible manner, which I will explain.

Several States have had these leaks or spills, as I said. So this bill will address the problems associated with MTBE, but—and this is a very important point—will not reduce any of the environmental benefits of the clean air program. That cannot be said with every option that has been presented on this issue. Again, we can ban MTBE, but we will not reduce any environmental benefit that the MTBE has brought to clean the air and that is important.

Briefly, this bill will allow the Governor of any State to waive the gasoline oxygen requirement of the Clean Air Act—waive it. But it will preserve the environmental benefits. It will also grant the State and the Federal Government authority to ban MTBE. It authorizes an additional $200 million out of the Leaking Underground Storage Tank Fund to clean up MTBE where these wells have been contaminated because of these leaking tanks. In other words, if we could repair those leaking tanks, we are going to cut back on the amount of problems we are going to have in the future. So it is important we have this as part of the legislation to get the money there to fix these tanks, to cut back on the amount of MTBE that gets into the ground water. If it does not leak out of the tank, the gasoline tank, it will not get into the ground water. But it is leaking out of tanks and we have to fix it.

The bill also authorizes an extensive study of numerous environmental consequences of our current fuel use. It was my hope to have marked up and sent to the floor from the Environment and Public Works Committee, which I chair, a bill this past week. In fact, it was our goal to do it yesterday, but we could not get the parties together who I needed to make this bill a reality, in the sense that it would pass. We could have introduced a bill, could have marked a bill, perhaps, but it would not have passed because we would not have the support. This problem is too serious to play politics.

MTBE is a pollutant in our wells. We need to get it out. We have to have legislation to do it and it has to pass. There is no point introducing a bill that will not pass. There are people who are dug in on all sides of this issue for various reasons. But the point is, we need to compromise. We all cannot get what we want, but the end result must be that we get MTBE out of our ground water. That is the bottom line.

So I agreed, reluctantly, but I agreed, in the interests of working together with my colleagues, to hold off until September in order to resolve the few remaining issues, but I intend to hold that markup in September. In fact, the specific date is September 7. In that legislation that we mark up, we will ban MTBE.

The issues that are in this legislation include the treatment of ethanol. I am pleased with the recent progress we have made on this. But there is a serious problem that we have to deal with, those who advocate more ethanol in fuel. I expect these issues to be resolved. We are working behind the scenes very hard to resolve these issues before the September 7 markup. It will give the staff something to do during the August recess. I know they will work out the details. But I thank the many Senators on both sides of the aisle I have been working with very closely to resolve these issues. This is a tough, tough issue, and it is hard to get agreement. Everybody is not going to get what they want, but the bottom line is, we have to get MTBE out of the water.

Let me address the ethanol issue for a moment. Some weeks ago I circulated a draft that included a clean alternative fuels program. This is a very complex issue. What are alternative fuels? It could be premium gasoline. It could be natural gas. It could be electricity. It could be fuel cells. It could be ethanol. But if you say ''renewable fuels,'' then you are talking for the most part only ethanol. So when we are talking alternative fuels, what alternatives do we have to MTBE that would help us meet these requirements in the Clean Air Act? This has proven to be a good step toward addressing the ethanol question.

The program will also enhance the development of cleaner and more efficient cars which will help with the Clean Air Act issues as well. There has been growing support for this alternative fuels approach since the time we first brought this up. We do not want to create more MTBE problems. We do not want to create dirtier air by eliminating MTBE because we created dirty water by putting MTBEs in gasoline.

So last week in an effort, again, to reach out, I received a letter supporting that approach from 32 States represented by air quality planners in the northeastern States and the Governors' Ethanol Coalition. So for the first time we now have ethanol, and the Northeast, you have specific problems here with the MTBE issue, talking, working together, and, as we said, from this letter of support from 32 States, they support this approach.

We have not dotted every ''i'' and crossed every ''t'' yet, but in concept they support the approach.

The bill I am offering today, while that bill does not include the exact language they are talking about in that letter—and I want to make that clear—it is a bridge. It is a bridge from where my legislation is to where they are. Actually, simultaneously to the bill I have introduced, I have also offered an amendment No. 4026, which crosses that bridge. I have introduced what I would like to have, what I believe is the most cost-effective method to deal with this problem, but I recognize that even though it is the least costly, it does not have the amount of support I need to pass it. So I have offered another amendment to my own bill, which is my way of saying: OK, you offered me the bridge. I am willing to walk across it and meet you at least halfway.

I will describe this bill in a little more detail first. This is a complex issue. The Environmental and Public Works Committee has been struggling with this, certainly in the last 7 or 8 months I have been chairman of the committee, and I am sure they were struggling with it many months before that. I have tried to craft a solution that is direct and balanced. I believe I have accomplished that. That is my goal. It is not to ramrod anything through to make anybody angry. It is a legitimate attempt to get a consensus to deal with a serious environmental problem, not to deal with everybody's own opinions.

If anybody comes to the table and says: If I do not get this, I will leave the table—I tell the people who say that: Don't bother coming to the table; you are wasting my time and yours. If you want to, talk, compromise, and reach a rational conclusion. I am willing to talk, and Senators on all sides of this have done just that. We have talked to many industry folks and environmental people as well on this very issue.

The bill waives the oxygen mandate. The Reformulated Gasoline Program, or RFG, requires at least 2 percent of gasoline by weight to be oxygen. MTBE and ethanol are the principal additives that help satisfy this mandate. It is ethanol or MTBE. They will bring us to that 2 percent oxygenate requirement. Because MTBE is rarely used outside the Reformulated Gas Program, a sensible starting point was to allow each State, if they wish, to waive the oxygen requirement.

What about the so-called environmental backsliding; in other words, slipping back and allowing more dirty air? There is concern that if the Governors waive this mandate that this will affect the environmental benefit—clean air—of the Reformulated Gas Program.

Let me be very clear: My bill ensures there will be no environmental backsliding. We are not walking away from the requirements of the Clean Air Act. If this bill is adopted, the environment—at least the air—will not know the difference. There will be no negative impact on the air, and the water will be cleaner.

Phaseout of MTBE: Eliminating the 2 percent oxygen mandate alone does not

mean the elimination of MTBE. MTBE is an effective octane booster, and refiners still may want to use it. Since only a very small amount of MTBE will cause a tremendous amount of damage, it is important to consider the fate of MTBE.

This bill will give the EPA Administrator the authority to ban it immediately. If EPA does not do so in 4 years, then this bill will, by law, ban MTBE. The EPA has 4 years to ban it. If they do not, the bill will.

EPA could, however, overturn the ban if it deemed it was not necessary to protect air quality, water quality, or human health. If it gets to the point that it is not a problem, then EPA does not have to ban it. Notwithstanding EPA's decision, the bill gives the States the authority to ban the additive.

Since there is already massive contamination caused by MTBE, this bill will authorize, as I said, $200 million to be given to the States from the Leaking Underground Storage Tank Program for the purpose of cleaning up MTBE-caused contamination.

Since a Federal mandate caused this pollution—remember that a Federal mandate caused this pollution. This is not the fault of the oil companies. It is not the fault of the MTBE producers. They did what they were asked to do. They produced this additive to clean up the air. Since a Federal mandate caused the pollution, it would be irresponsible for the Federal Government not to bear some of the financial burden associated with the cleanup. Unfortunately, that is the case.

I do not like to spend taxpayers' dollars, but this was a mandate, and because of that mandate, we have a problem.

It is also important to point out that although it is not part of my legislation, it is reasonable to think of some way of perhaps trying to work with the MTBE producers to help them through this transition if, in fact, MTBE is banned. I certainly am willing to work with them to come up with some solution, some help in terms of their movement from one industry to another, or whatever the case may be.

Finally, the bill authorizes a comprehensive study of the environmental consequences of our current fuel supply. In order to be better informed to make future environmental decisions regarding fuel policy, the bill directs EPA to undertake a study of our motor fuel.

I will talk a little bit about the cost, a very important point.

Lately, we have heard a great deal about gasoline prices, certainly fuel oil prices, as well, in New England. These concerns underscore the question of the costs associated with limiting MTBE use.

MTBE, like it or not, is clean, it is cheap, and it helps to clean up our air. Placing it in our fuel supply and keeping the fuel supply clean will have a cost. We have to replace it. We cannot backslide. We do not want to dirty the air while we take MTBE out.

It is my belief the Senate is not prepared to reduce our clean air standards or allow for the continued contamination of our drinking water.

We have two issues: Contaminated drinking water and do we backslide off the clean air provision. I believe my colleagues in the Senate are willing to work with me to clean up the water to get the MTBE out of our wells and to preserve the integrity of the Clean Air Act and not backslide or move back from the cleaner air we have accomplished by using MTBE.

The question, though, becomes: What is the most effective and cost friendly option for achieving this goal? I have a chart which will help illustrate the options. Each one of these options—the red line, yellow line, green line, and the blue line—bans MTBE, but it is a little more complicated than that.

One option is simply the elimination of MTBE with no other changes in the law. That is the red line. These show costs. This is the highest cost option because it is about an 8-cent increase in gas prices per gallon. This is a ban of MTBE, and it replaces it with ethanol in the Reformulated Gas Program. One might think: That is fine, it is ethanol, produced by corn, a nice natural product; what is wrong with that? Let's do it.

The problem is, in areas in the Northeast, such as New Hampshire, and in other States such as Texas, these States would have to use ethanol to meet that oxygenate requirement because there is no other option. In order to meet the 2-percent oxygenate requirement if MTBE is removed, they have to use ethanol.

One may say: What is wrong with that? Ethanol makes gas evaporate more quickly and those fumes would add to smog and haze in New England and it would be serious. Obviously, California would have the same problem.

Refiners would have to make gas less evaporative and thereby increasing the cost. In other words, they would have to do something to deal with that rapid evaporation and it would cost more to do that. This is not an option for New England nor California nor any other State that has this particular problem.

If we are going to be responsible, then we should work with our colleagues who have these problems. I happen to have that problem because I am from New Hampshire, and as the chairman of the committee, I need to work with all regions of the country to get a compromise that is acceptable to everybody so that we do not have more environmental problems in New England or California or some other place by simply banning MTBE and letting ethanol take over. Some want that.

Obviously, the ethanol producers would love it, but that does not help us. We do not want to create more problems. That is not a responsible approach, I say with all due respect.

The next line is the orange line in terms of cost.

That is the Clinton administration's position. That represents the cost of eliminating the oxygen mandate, but replacing it with a national ethanol mandate. You have no other alternative other than ethanol.

The cost of mandating a threefold increase in ethanol sales is very expensive. So the options represented by the orange line shown on the chart cost less than what is shown with the red line because it does not mandate that the reformulated gas contain ethanol. It does not mandate it, but that is what is going to happen. But, shown with this orange line on the chart, it simply mandates the total ethanol market. So you are mandating the market here, and that is no good. That does not work. Unlike what is shown with the red line, there would be no regional constraint. It would not be acceptable.

Now, what is shown on the chart with the blue line is legislation that I am introducing today, without the amendment initially. In my view, that is the cheapest and most responsible way to deal with this problem. However, for reasons which I respect—I might not agree with them, but I respect them—it does not have enough support, either, to pass the Senate. I recognize that, but I want everybody to know where I am coming from.

I believe we should use the cheapest alternative that gets the job done. That is my view. But I understand, as I said before, I am willing to build that bridge to go from what is shown with the blue line to what is shown with the green line. I will not go to what is shown with the orange or red lines, but I am willing to go from what is shown with the blue line to what is shown with the green line.

As I have said, what is shown with the blue line is the bill I have introduced. That bill will cost more to make clean gas without MTBE, but because we place the fewest requirements on the refiners on how to achieve that clean gas, this bill would cost the economy less than all other options. It is very important for me to repeat that. We place the fewest requirements on the refiners on how to achieve the clean gas. We want clean gas achieved. That is the goal. This bill would cost the economy less than all of those other options.

While my bill addresses all of the concerns with MTBE, I am also sensitive to the concerns of the Senators who understand that this bill might have an impact on ethanol. So in order to address these concerns, I have prepared an amendment to my own legislation, amendment No. 4026, which I have already sent to the desk.

This amendment seeks to address the concerns over ethanol that Members have. I am hoping that over the course of the next 30 days we will be able to build this bridge from what is shown by the blue line to what is shown by the

green line, to get to what I think is an acceptable and responsible approach.

I indicated earlier there is a lot of interest. Thirty-two States have expressed interest in this, in my letter. This amendment seeks to address the concerns of the ethanol industry by establishing a segment of the fuel market that must be comprised of either ethanol or fuel used to power superclean vehicles.

About 10 days ago, I had the opportunity to ride in a fuel-celled bus. It had hydrogen cells. I had never experienced anything like it: No fumes, no smell, very little sound, and no pollutants whatsoever. I road several miles in it.

The current occupant of the Chair, the Senator from Utah, Senator BENNETT, drives a hybrid car which is part electric, part gas. You see, we are moving in the right direction. Hybrid cars, fuel cells—they are the future. The more we do that, the less we need of any type of gasoline, whether it is ethanol or just oil based. It does not matter.

The point is, we are moving in the right direction. That is what we want to encourage. This bill will establish a segment of the fuel market that must be comprised of either ethanol or fuel used to power those clean vehicles. We do not want to stop them from having that option.

If we just go with the renewables that the administration wants, all they can use is ethanol. What we want them to do is use ethanol, if they wish, but to use hybrid cars if they wish. Encourage that, encourage fuel cells, whatever, or premium gas, but let the market deal with it.

So there are a lot of exciting things happening. This amendment is going to create competition. There is nothing wrong with competition, good old competition. You pick winners and losers—no guarantees—with competition between the ethanol industry and the clean vehicle market. So why mandate ethanol and exclude clean vehicles? It does not make any sense.

So the estimated cost of this approach is represented by the green line on the chart. This is a very good approach that I believe is a compromise that gets us there. It costs us a little more, but it gets us there. Because we can't get there with what is represented by the blue line, I am willing to go here, with what is represented by the green line.

Mr. President, I know my time is pretty close to expiring, I am sure.

To those who will ask, why does this have to be so complicated, I did not create the issue. I have spent the last 6 months trying to understand it and learn about it. I think I am getting there, with a lot of help. It is a complex issue, with many competing interests. That is the thing. But a simple ban of MTBE does not get everybody there—all the regions of the country. It does not get it done.

So a simple ban of MTBE makes gas more expensive and air more dirty. It is not acceptable. We cannot do that. A stand-alone mandate of ethanol does not get you there, either. Smog concerns, cost concerns—particularly in New Hampshire, and other areas of the Northeast, as well as California—that does not get you there.

Simply eliminating the reformulated gas mandate does not work, either. That is another option. MTBE would continue to be used and the potential adverse impact on ethanol would be there.

I am committed, I say to my colleagues, to a solution that, one, cleans up our Nation's drinking water, and, two, preserves the environmental benefits of the reformulated gasoline program, which is the most cost-effective option for the whole Nation. And that is shown right there with the green line. That is the one we can get it done with. I wish it were here with what is depicted with the blue line, but this will get us there with what is depicted with the green line; and we will do it.

So I am convinced this is the right approach. I look forward to working with my colleagues. This is an honest attempt to sit down with everybody and get to a resolution, because to continue to argue about this and debate this, while more and more wells every day get polluted with MTBE, is irresponsible. It is totally irresponsible.

We should not be talking about somebody's profit at the expense of somebody's well being polluted. Let's compromise. We will work with you. You can make some profit, but you are not going to make so much profit that we have to stand around and have our wells polluted. That is simply wrong. It is unacceptable. It is irresponsible. I am not going to stand for it. I don't think anybody would who had these kinds of problems. It is irresponsible. So we are going to work together.

I am very encouraged by the folks, especially the ethanol Senators, who I have talked with, and their staffs. We have talked to folks in the oil industry. They are not real thrilled about some of this, but, again, this is a solution that we must find. We cannot continue to say we will talk about it next week or we will deal with it in conference or we will deal with it next year. We need to deal with it now. This is a responsible effort to do that.

So, again, I look forward to working with my colleagues, and I look forward to that markup on September 7. I intend to be ready for it, and to send that bill out of the EPW Committee and on to the calendar in the Senate.

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

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

S. 2962

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Reformulated Fuels Act of 2000''.

**SEC. 2. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.**

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,''; and

(2) by adding at the end the following:

''(B) WAIVER OF OXYGEN CONTENT REQUIREMENT.—

''(i) AUTHORITY OF THE GOVERNOR.—

''(I) IN GENERAL.—Notwithstanding any other provision of this subsection, a Governor of a State, upon notification by the Governor to the Administrator during the 90-day period beginning on the date of enactment of this subparagraph, may waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

''(II) OPT-IN AREAS.—A Governor of a State that submits an application under paragraph (6) may, as part of that application, waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

''(ii) TREATMENT AS REFORMULATED GASOLINE.—In the case of a State for which the Governor invokes the waiver described in clause (i), gasoline that complies with all provisions of this subsection other than paragraphs (2)(B) and (3)(A)(v) shall be considered to be reformulated gasoline for the purposes of this subsection.

''(iii) EFFECTIVE DATE OF WAIVER.—A waiver under clause (i) shall take effect on the earlier of—

''(I) the date on which the performance standard under subparagraph (C) takes effect; or

''(II) the date that is 270 days after the date of enactment of this subparagraph.

''(C) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—

''(i) IN GENERAL.—As soon as practicable after the date of enactment of this subparagraph, the Administrator shall—

''(I) promulgate regulations consistent with subparagraph (A) and paragraph (3)(B)(ii) to ensure that reductions of toxic air pollutant emissions achieved under the reformulated gasoline program under this section before the date of enactment of this subparagraph are maintained in States for which the Governor waives the oxygenate requirement under subparagraph (B)(i); or

''(II) determine that the requirement described in clause (iv)—

''(aa) is consistent with the bases for a performance standard described in clause (ii); and

''(bb) shall be deemed to be the performance standard under clause (ii) and shall be applied in accordance with clause (iii).

''(ii) PERFORMANCE STANDARD.—The Administrator, in regulations promulgated under clause (i)(I), shall establish an annual average performance standard based on—

''(I) compliance survey data;

''(II) the annual aggregate reductions in emissions of toxic air pollutants achieved under the reformulated gasoline program during calendar years 1998 and 1999, determined on the basis of the volume of reformulated gasoline containing methyl tertiary butyl ether that is sold throughout the United States; and

''(III) such other information as the Administrator determines to be appropriate.

''(iii) APPLICABILITY.—

''(I) IN GENERAL.—The performance standard under clause (ii) shall be applied on an annual average refinery-by-refinery basis to all reformulated gasoline that is sold or introduced into commerce by the refinery in a

State for which the Governor waives the oxygenate requirement under subparagraph (B)(i).

''(II) MORE STRINGENT REQUIREMENTS.—The performance standard under clause (ii) shall not apply to the extent that any requirement under section 202(l) is more stringent than the performance standard.

''(III) STATE STANDARDS.—The performance standard under clause (ii) shall not apply in any State that has received a waiver under section 209(b).

''(IV) CREDIT PROGRAM.—The Administrator shall provide for the granting of credits for exceeding the performance standard under clause (ii) in the same manner as provided in paragraph (7).

''(iv) STATUTORY PERFORMANCE STANDARD.—

''(I) IN GENERAL.—Subject to subclause (III), if the regulations under clause (i)(I) have not been promulgated by the date that is 270 days after the date of enactment of this subparagraph, the requirement described in subclause (II) shall be deemed to be the performance standard under clause (ii) and shall be applied in accordance with clause (iii).

''(II) TOXIC AIR POLLUTANT EMISSIONS.—The aggregate emissions of toxic air pollutants from baseline vehicles when using reformulated gasoline shall be 27.5 percent below the aggregate emissions of toxic air pollutants from baseline vehicles when using baseline gasoline.

''(III) SUBSEQUENT REGULATIONS.—The Administrator may modify the performance standard established under subclause (I) through promulgation of regulations under clause (i)(I).''.

**SEC. 3. SALE OF GASOLINE CONTAINING MTBE.**

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''fuel or fuel additive or'' after ''Administrator any''; and

(B) by striking ''air pollution which'' and inserting ''air pollution, or water pollution, that'';

(2) in paragraph (4)(B), by inserting ''or water quality protection,'' after ''emission control,''; and

(3) by adding at the end the following:

''(5) DETERMINATION BY THE ADMINISTRATOR WHETHER TO BAN USE OF MTBE.—

''(A) IN GENERAL.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall ban use of methyl tertiary butyl ether in gasoline unless the Administrator determines that the use of methyl tertiary butyl ether in accordance with paragraph (6) poses no substantial risk to water quality, air quality, or human health.

''(B) REGULATIONS CONCERNING PHASEOUT.—The Administrator may establish by regulation a schedule to phase out the use of methyl tertiary butyl ether in gasoline during the period preceding the effective date of the ban under subparagraph (A).

''(6) LIMITATIONS ON SALE OF GASOLINE CONTAINING MTBE.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Administrator makes the determination described in paragraph (5), for the fourth full calendar year that begins after the date of enactment of this paragraph and each calendar year thereafter—

''(i) the quantity of gasoline sold or introduced into commerce during the calendar year by a refiner, blender, or importer of gasoline shall contain on average not more than 1 percent by volume methyl tertiary butyl ether; and

''(ii) no person shall sell or introduce into commerce any gasoline that contains more than a specified percentage by volume methyl tertiary butyl ether, as determined by the Administrator by regulation.

''(B) REGULATIONS CONCERNING TRADING.—

''(i) IN GENERAL.—The Administrator may promulgate regulations that provide for the granting of an appropriate amount of credits to a person that refines, blends, or imports, and certifies to the Administrator, gasoline or a slate of gasoline that has a methyl tertiary butyl ether content that is less than the maximum methyl tertiary butyl ether content specified in subparagraph (A)(i).

''(ii) USE OF CREDITS.—The regulations promulgated under clause (i) shall provide that a person that is granted credits may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with the maximum methyl tertiary butyl ether content requirement specified in subparagraph (A)(i).

''(iii) MAXIMUM ANNUAL LIMITATION.—The regulations promulgated under clause (i) shall ensure that the total quantity of gasoline sold or introduced into commerce during any calendar year by all refiners, blenders, or importers contains on average not more than 1 percent by volume methyl tertiary butyl ether.

''(C) TEMPORARY WAIVER OF LIMITATIONS.—

''(i) IN GENERAL.—If the Administrator, in consultation with the Secretary of Energy, finds, on the Administrator's own motion or on petition of any person, that there is an insufficient domestic capacity to produce or import gasoline, the Administrator may, in accordance with section 307, temporarily waive the limitations imposed under subparagraph (A).

''(ii) DURATION OF REDUCTION.—

''(I) IN GENERAL.—A waiver under clause (i) shall remain in effect for a period of 15 days unless the Administrator, in consultation with the Secretary of Energy, finds, before the end of that period, that there is sufficient domestic capacity to produce or import gasoline.

''(II) EXTENSION.—Upon the expiration of the 15-day period under subclause (I), the waiver may be extended for an additional 15-day period in accordance with clause (i).

''(iii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under clause (i) within 7 days after the date of receipt of the petition.

''(iv) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—Section 307(d) of this Act and sections 553 through 557 of title 5, United States Code, shall not apply to any action on a petition submitted under clause (i).

''(v) STATE AUTHORITY.—At the option of a State, a waiver under clause (i) shall not apply to any area with respect to which the State has exercised authority under any other provision of law (including subparagraph (D)) to limit the sale or use of methyl tertiary butyl ether.

''(D) STATE PETITIONS TO ELIMINATE USE OF MTBE.—

''(i) IN GENERAL.—A State may submit to the Administrator a petition requesting authority to eliminate the use of methyl tertiary butyl ether in gasoline sold or introduced into commerce in the State in order to protect air quality, water quality, or human health.

''(ii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall grant or deny any petition submitted under clause (i) within 180 days after the date of receipt of the petition.''.

**SEC. 4. CONVENTIONAL GASOLINE.**

(a) IN GENERAL.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) (as amended by section 2) is amended by adding at the end the following:

''(D) CONVENTIONAL GASOLINE.—

''(i) IN GENERAL.—Not later than October 1, 2007—

''(I) the Administrator shall determine whether the use of conventional gasoline during the period of calendar years 2005 and 2006 resulted in a greater volume of emissions of criteria air pollutants listed under section 108, and precursors of those pollutants, determined on the basis of a weighted average of those pollutants and precursors, than the volume of such emissions during the period of calendar years 1998 and 1999; and

''(II) if the Administrator determines that a significant increase in emissions occurred, the Administrator shall promulgate such regulations concerning the use of conventional gasoline as are appropriate to eliminate that increase.

''(ii) APPLICABILITY TO CERTAIN STATES.—The Administrator shall make the determination under clause (i)(I) without regard to, and the regulations promulgated under clause (i)(II) shall not apply to, any State that has received a waiver under section 209(b).''.

(b) ELIMINATION OF ETHANOL WAIVER.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

**SEC. 5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.**

Section 211(b)(2) of the Clean Air Act (42 U.S.C. 7545(b)(2)) is amended—

(1) by striking ''may also'' and inserting ''shall, on a regular basis,''; and

(2) by striking subparagraph (A) and inserting the following:

''(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and''.

**SEC. 6. COMPREHENSIVE FUEL STUDY.**

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

''(o) COMPREHENSIVE FUEL STUDY.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph and every 5 years thereafter, the Administrator shall submit to Congress a report—

''(A) describing reductions in emissions of criteria air pollutants listed under section 108, or precursors of those pollutants, that result from implementation of this section;

''(B) describing reductions in emissions of toxic air pollutants that result from implementation of this section;

''(C) in consultation with the Secretary of Energy, describing reductions in greenhouse gas emissions that result from implementation of this section; and

''(D)(i) describing regulatory options to achieve reductions in the risk to public health and the environment posed by fuels and fuel additives—

''(I) taking into account the production, handling, and consumption of the fuels and fuel additives; and

''(II) focusing on options that reduce the use of compounds or associated emission products that pose the greatest risk; and

''(ii) making recommendations concerning any statutory changes necessary to implement the regulatory options described under clause (i).

''(2) LIFE CYCLE EMISSIONS ANALYSIS.—In determining criteria air pollutant and greenhouse gas emission reductions under paragraph (1), the Administrator shall take into account the emissions resulting from the various fuels and fuel additives used in the

implementation of this section over the entire life cycle of the fuels and fuel additives.''.

**SEC. 7. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.**

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) NONCLASSIFIED AREAS.—

''(i) IN GENERAL.—In accordance with section 110, a State may submit to the Administrator, and the Administrator may approve, a State implementation plan revision that provides for application of the prohibition specified in paragraph (5) in any portion of the State that is not a covered area or an area referred to in subparagraph (A)(i).

''(ii) PERIOD OF EFFECTIVENESS.—Under clause (i), the State implementation plan shall establish a period of effectiveness for applying the prohibition specified in paragraph (5) to a portion of a State that—

''(I) commences not later than 1 year after the date of approval by the Administrator of the State implementation plan; and

''(II) ends not earlier than 4 years after the date of commencement under subclause (I).''.

**SEC. 8. LEAKING UNDERGROUND STORAGE TANKS.**

(a) USE OF LUST FUNDS FOR REMEDIATION OF MTBE CONTAMINATION.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A), by striking ''paragraphs (1) and (2) of this subsection,'' and inserting ''paragraphs (1), (2), and (12),''; and

(2) by adding at the end the following:

''(12) REMEDIATION OF MTBE CONTAMINATION.—

''(A) IN GENERAL.—The Administrator and the States may use funds made available under subparagraph (B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a risk to human health, welfare, or the environment.

''(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

''(i) in accordance with paragraph (2); and

''(ii) in the case of a State, in a manner consistent with a cooperative agreement entered into by the Administrator and the State under paragraph (7).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund to carry out subparagraph (A) $200,000,000 for fiscal year 2001, to remain available until expended.''.

(b) RELEASE PREVENTION.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended—

(1) by redesignating section 9010 as section 9011; and

(2) by inserting after section 9009 the following:

**''SEC. 9010. RELEASE PREVENTION.**

''(a) IMPLEMENTATION OF PREVENTATIVE MEASURES.—The Administrator (or a State pursuant to section 9003(h)(7)) may use funds appropriated from the Leaking Underground Storage Tank Trust Fund for—

''(1) necessary expenses directly related to the implementation of section 9003(h);

''(2) enforcement of—

''(A) this subtitle;

''(B) a State program approved under section 9004; or

''(C) State requirements regulating underground storage tanks that are similar or identical to this subtitle; and

''(3) inspection of underground storage tanks.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund to carry out subsection (a)—

''(1) $50,000,000 for fiscal year 2001; and

''(2) $30,000,000 for each of fiscal years 2002 through 2005.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

''Sec. 9010. Release prevention.
''Sec. 9011. Authorization of appropriations.''.

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking ''sustances'' and inserting ''substances''.

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the first sentence by striking ''referred to'' and all that follows and inserting ''referred to in subparagraph (A) or (B), or both, of section 9001(2).''.

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking ''study taking'' and inserting ''study, taking'';

(B) in subsection (b)(1), by striking ''relevent'' and inserting ''relevant''; and

(C) in subsection (b)(4), by striking ''Evironmental'' and inserting ''Environmental''.

---

By Mr. BRYAN (for himself, Mr. GRAHAM, and Mr. GORTON):

S. 2963. A bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information; to the Committee on Finance.

CONSUMER AWARENESS OF MARKET-BASED DRUG PRICES ACT OF 2000

Mr. BRYAN. Mr. President, in a very few hours we will, each of us, be returning to our respective States for the summer recess. Most of us will have town hall meetings or other fora in which we will have a chance to interact with our constituents.

Much that occurs on this floor, although very important, does not connect with the American people. Some of it seems pretty esoteric, pretty dry stuff. I am going to be discussing this afternoon an issue that does connect with the American people. Whether you live in Maine or California or Washington State or Florida or, as I do, the great State of Nevada—and which I am privileged to represent—people are talking about the price of prescription drugs.

The reason for that is that the marvels of modern medicine have made it possible, through prescription drugs, to address a number of the maladies that affect all of us as part of humankind. The cost of those prescription drugs are literally going through the ceiling. I will comment more specifically upon that in a moment.

For literally millions of people in this country, the cost of prescription drugs has been so prohibitive that medications that would address a medical problem that those individuals face are simply beyond the pale. So for many, it is fair to say, the choice is a Hobson's choice.

Do they eat in the evening, or do they take the prescription medication that has been prescribed by their physician? It would be my fondest hope and expectation, before this Congress adjourns sine die—that is, at the end of this legislative year—that we could enact prescription drug legislation. That would be my No. 1 priority. But I think all of us recognize there are some things we can do as part of whatever plan we might subscribe to, and Senator GRAHAM and I this afternoon are offering a piece of legislation entitled the Consumer Awareness of Market-Based Drug Prices Act of 2000.

This is a piece of legislation that deals with the price of drugs. We know what the cost is, but we are talking about the price. We have a lot of information on the cost. We know, for example, that we are spending on drugs in this country, prescription medications—in the last available year, 1999—almost $122 billion. We also know quite a bit about how much we in the Federal Government are spending for prescription drugs.

For example, the States and the Federal Government spent $17 billion in fiscal year 1999 for drugs, just under the Medicaid program alone. Those costs are going to escalate rather dramatically. What is missing, however, is some critically important information—information that would be important to consumers and those who negotiate on behalf of consumers, because what we don't know, what we don't have much information about is drug prices. The reason for that is some statutory prohibitions I am going to talk about and which this legislation specifically addresses.

So the questions are: What do consumers know about drug prices today? What do employers who purchase prescription drugs on behalf of their employees know about prices? What do health plans negotiating on behalf of their enrollees know about prices? What do physicians who prescribe drugs for their patients know about prices?

The answer is simply, very, very little; almost nothing. What little is known is essentially worthless information. We have the average wholesale price, but this is a truly meaningless figure.

During the course of my discussion this afternoon on the floor of the Senate, we are going to be talking about three kinds of prices: The average wholesale price, average manufacturer price, and the best price.

Just talking about the average wholesale price, that is a public list price set by manufacturers, the pharmaceutical industry; that is neither average nor wholesale and is a price set by the pharmaceutical companies. The best analogy I can give you is that it would be analogous to the price that appears as the sticker price on the window of a new car. Nobody pays that price. It really is not very helpful in terms of what you need to know when negotiating to purchase a car. And now there are a number of web sites and publications and manuals—a whole host of things that tell consumers this is what the manufacturer paid, these are the hold-backs by the dealers, these are the discounts and the commissions; here is the price on which you want to focus your attention. You can get that information if you are purchasing an automobile, and you can get that information when you purchase a whole host of other things. But that information is not available if you are talking about finding out the price of prescription drugs, and that is because of some statutory limitations.

It is somewhat analogous to the statement Sir Winston Churchill made in 1939 in describing the Soviet Union. He went on to say: ''A riddle, wrapped up in a mystery, inside an enigma.'' That is a pretty fair characterization of what we know about the prices of prescription medications as sold by the manufacturer.

There are many different approaches as we deal with this prescription drug issue and want to extend it as either part of Medicare or some alternative approach. I have been privileged to serve on the Finance Committee, which has been the vortex for this debate and discussion. I listened closely to my colleagues wax eloquently on the subject of prescription drugs, and, whether you are to the left or to the right of the political spectrum, or whether you consider yourself in the mainstream, a moderate, all of us worship at the shrine of competition. Everybody says what we need to do is to inject more competition into the system. I happen to subscribe to that because I do believe that by allowing the synergy of the free marketplace to work, it will be the most efficient and the most cost-effective way to deliver services. But there is an impediment to the operation of the free marketplace.

What does the free marketplace need to work? How do we ensure competition? Well, some of you may recall that course from school, Econ. 201; that is what it was called at the University of Nevada where I was enrolled. Basic economic theory dictates that the availability of real market-based information is critical to a free market and that price transparency is necessary. That is precisely what we do not have in this system we have created today.

The market today lacks market-based price information. A market simply cannot work without the availability of that price information. I emphasize the availability of that information. The information that is available to the public verges on the absurd. There is a complete void of useful information about prices. So, in effect, the employers and health plans negotiating on behalf of consumers are negotiating in the dark. They are at a serious disadvantage. It is as if they are blindfolded going into that negotiating arena. They don't know where the end of the tunnel is. They do not know what the real prices are. So one can fairly ask, how can even the most conscientious, effective employer or health plan operator negotiate good prices on behalf of consumers if they don't have the most basic information about market prices? They undoubtedly pay higher prices than they otherwise would, and ultimately these higher prices are translated into higher prices to the consumers; they are passed on. That is the nature of the system.

So what type of price information would be available, or should be available, that would be useful and helpful information? The average manufacturer price for a drug would be a useful thing for purchasers to know; that is, the average price at which a manufacturer sold a particular drug. That is what is actually paid for retail drugs. By law, by act of Congress, that is kept confidential, and that is one of the changes this legislation seeks to accomplish. That is confidential. You can't get that information.

The average price actually paid to a manufacturer by a wholesaler is supposed to be similar to the average manufacturer's price, but, in point of fact, it diverges widely. The average wholesale price, to refresh your memory, is a list price that is meaningless, a price assigned by the pharmaceutical industry. In theory, these prices should be tracking; in point of fact, they widely diverge. So it is the average manufactured price, the price that is actually paid, that is what we really want to know, and that is what we don't know.

The other price we don't know, and also by law is kept confidential, is the best price. That is the lowest price available to the private sector for a particular medication—whether it be Mevacor, Claritin, or any one of the other medications so many of us use today. That information is not available. So the average wholesale price—an utterly meaningless number, a fiction, if you will—is available. The average manufacturer price is not; nor is the best price.

Knowledge about the average manufacturer price and the best price would certainly enable us to have lower prices for health plans, lower prices for employers, and lower prices for the consumers. But the public is denied this information.

Let me emphasize—because a number of you might be thinking: There we go again with a vast new bureaucracy to collect this data with all of the burdens that are imposed upon the free market and the limitations that would be generated.

My friends, that is not the case because under the law, the Secretary of Health and Human Services currently collects the average manufacturer price and the best price.

In other words, we have this information. It is not something we don't know about, or we have to create some new mechanism to gather. We have that information. It is there. But we are precluded by law from sharing that information with those who negotiate with the pharmaceutical industry to negotiate the best possible price for employees, members of health plans, or other organizations that provide prescription drugs to their clients, patient customer base—however you characterize it. There is good information. All purchasers could use it to benefit those for whom they negotiate.

It is clear that we need to increase the level of knowledge consumers have about drug prices in today's marketplace. Transparency—that is the ability to see what these prices are and promote the fair market—will lower prices.

That is why my colleague, Senator GRAHAM, and I are introducing this legislation. We are not talking about mandating negotiated prices. We are simply talking about making the data that is collected available to those who are negotiating for prescription drugs. It would simply require the Secretary, who already collects this information, to provide the average manufacturer price of drugs and the best price available in the market.

These prices are collected to implement the Medicare prescription drug rebate system. The rebates are based on those prices. But because Medicaid is prohibited by law from disclosing the average manufacturer price, or the best price, the market doesn't get the advantage of this information, and we are prohibited from knowing the price that Medicaid pays for each drug.

Let me say say parenthetically that it is generally agreed that the price Medicaid pays is in point of fact the best price. So this would be a very relevant piece of information. We can't say for sure even with respect to a federally funded program what we are spending on a particular drug. We don't know what Medicaid pays for Claritin, Mevacor, or Prilosec. We just do not know that. We know the total price we are paying for drugs generally, and what we are spending for drugs. But we do not know what we are paying for them separately. This information needs to be made available because making price information available will help purchasers and consumers alike.

Today, anyone can get on the Internet to find the lowest price available

for a given airline flight. I think the question needs to be asked: Why shouldn't the public have access to price information on something that is so critical and that may be necessary to save one's life, or to prevent the onset of some debilitating disease, or to ameliorate its impact, the information with respect to the average manufacturer price and the best price?

The bottom line is today there are no sources of good price information for consumers and purchasers, thus keeping prices artificially higher than they would otherwise be.

The legislation which we introduce today would be extremely helpful in correcting this. The market-based price information this bill would provide would help all purchasers, employers, and pharmacy benefit managers who are at a disadvantage without true price information.

Employers are struggling with increasing premiums. In large part, premiums are increasing because of rising drug expenditures. And, yet, employers don't have the information they need to assess whether the premium increases are appropriate. The answer to that is because without knowing the prices and the rebates that the pharmacy benefit managers are negotiating, they are not able to determine if the pharmacy benefit managers are passing along the rebates to them in the form of lower costs and lower premiums.

Further, neither the PBMs nor the employers know if the drug companies are being candid with them. When they try to negotiate lower prices with the manufacturer, they are told, no, we can't give you that price because it is lower than the best price. The employers and the PBMs have no way of knowing in point of fact whether it is true. The battleground is really a negotiation of what these prices are. That is the information we don't know. In effect, those who negotiate with the pharmaceutical industry go into that combat with one arm tied behind their backs and blindfolded as to what the average manufacturer price and the best price is.

Let me say that this piece of legislation is going to provoke an outcry. You don't have to have a degree from Oxford. You don't have to have a Ph.D. from some of our most distinguished institutions in America. Who would one think would dislike this information? My friends, the pharmaceutical industry doesn't want you to know.

Undoubtedly, the provision that is in the law today was crafted for their benefit. It certainly was not crafted for the benefit of employer groups, or health care providers who negotiate pharmaceutical benefits. It certainly was not put in to protect consumers. It is not in their best interests.

I am sure we are going to have a predictable outcry that some horrendous draconian thing will occur if we make these prices available.

My view is that transparency is essential. Make the prices available, and let this free marketplace that we all talk about that has produced such an extraordinary standard of living for us be the envy of the world. Nobody is suggesting that the free market could not, nor would, in my judgment, provide some of the dynamics that would help to keep the costs down. Let an honest negotiating process occur.

The lack of market-based information has an effect on the Federal budget—not only for consumers in terms of the medications they pay for but all taxpayers.

Whether in Congress—and I profoundly hope we will in fact—makes that prescription drug benefit a part of Medicare, or a subsequent Congress, this is an idea whose time has come. It will occur. It may not occur in my time. I leave at the end of this year. But it is going to occur. There are dramatic cost implications. Without the benefit of this information, it will be very difficult indeed.

Let's just talk for a moment in terms of prices, information that is made available, and the generic formulas that we use for reimbursement.

Although the average wholesale price is not a true market measure price—this is set by the industry—it is used to determine Medicare reimbursement for the few drugs that are currently covered by Medicare.

The prescription Medicare benefit is very limited. I would like to see the Medicare prescription benefit extended through Medicare as an option, as we have a voluntary option under Part B. I don't want anybody to be confused, but there are some drugs that are covered in concert with the physician's prescriptions.

The average wholesale price minus 5 percent—what is wrong with that? What is wrong with that is this average wholesale price is a fix. It means nothing. It is the price that the drug companies get together and tell us is the average wholesale price. Yet that is the reimbursement mechanism that is used for Medicare.

Medicaid, which is a program, as we all know, that involves participation by the Federal and the State governments and made available to the poorest of our citizens, represents a rather substantial cost to the taxpayer. My recollection is that cost is in the neighborhood of about $17 billion a year.

Here is how that formula worked. This is the Medicaid benefit: The average wholesale price minus 10 percent. Remember, this is a price set by the pharmaceutical industry; it is not a market-driven price. Multiply that times the units—whatever the number of prescriptions, say an allergy drug or a drug for elevated cholesterol level—times 15.1 percent of the average manufacturer price. This is the one we are precluded from knowing. Or take the average manufacturer price, minus the best price. This information we don't know, and we should be able to get this information.

What can happen with respect to the Medicare reimbursements—because the physicians who prescribe this medication get the average wholesale price minus 5 percent, we do not know what the physicians are actually paying the pharmaceutical industry for the drugs. According to the Justice Department, the Health and Human Services Office of the Inspector General, and our colleague in the other body who chairs the Commerce Committee, the average wholesale price has been manipulated in order to reap greater Medicare reimbursements.

The way that works, the doctor prescribes something covered by Medicare and reimburses the average wholesale price minus 5 percent. In point of fact, your physician may be paying much, much less to the pharmaceutical industry. So the spread is the physician's profit, and there is potential for abuse.

I am not suggesting in any way that a physician should not be compensated for his care. I am proud to say my son is a physician, a cardiologist. But you ought not to be able to manipulate the wholesale price—which is this fiction we have talked about—and then allow the physician to seek payment from the pharmaceutical industry at a price that is substantially less than what Medicare is paying. That gouges the American taxpayer. That is the issue that concerns us.

As I have indicated, drug companies have artificially inflated this average wholesale price, which results in these inflated Medicare reimbursements to physicians, and the manufacturer then in turn provides the discounts, and the physicians can keep the difference. If the average wholesale price of the drug is $100, minus 5 percent would be $95, and if the physician actually only pays $50, the physician is getting $45 as part of that spread. That is much less than he is actually paying. Medicare, conversely, is reimbursing the physician at a far greater price than the physician is actually paying for that medication.

The need for better information has never been greater. Medicare drug benefit is critical and should be enacted this year. I truly hope it will be. Accurate market-based price information will ensure the best use of the taxpayer dollars financing this benefit and the lowest possible beneficiary coinsurance; that is, the amount, the coinsurance, the beneficiary has to pay.

This should be an easy call. Transparency promotes a fair market. We are all for that, I believe. Price information leads to price competition. I think we are all for that. That competition leads to lower prices for employers, for health plans, and for consumers. I think we are all for that.

So at a time when drug prices are increasing at two to three times the rate of the overall rate of inflation, referred to as the Consumer Price Index, at a time when the same drugs prescribed by veterinarians, for use by pets—the identical medication—are priced lower than the same drug prescribed by prescriptions for doctors' use for people,

at a time when the primary information consumers have about prescription drugs is through the $2 billion annually spent by the industry on direct-to-consumer advertising, and those ads never mention price —these are the things we are bombarded with on television; we see full pages in the leading newspapers in the country—at a time when Americans are traveling to foreign countries—to Canada and Mexico, in particular—to obtain lower prices, why shouldn't we be doing whatever we can to encourage competition in the United States and to lower the price of drugs sold in this country?

I think it is a no-brainer. I think we should set the market forces in action. We simply need to allow the public to have access to readily available market-based information. This is commonsense, easy-to-understand, easy-to-implement legislation. We should pass it this year. There is no new bureaucracy created. We can have the information at HHS. All this legislation would do is require it be made available. The potential benefits are enormous.

It will be interesting to see how this debate unfolds on this legislation because my colleagues have not heard the last of me on this issue. This makes a lot of sense, whether we do or do not succeed this year in extending a prescription benefit as part of Medicare. We ought to do it. We can do it. We should do it. I hope my colleagues will join me in a bipartisan effort to do so.

I yield the floor.

---

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 2964. A bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes; to the Committee on Finance.

ACCESS TO AFFORDABLE HEALTH CARE ACT

Ms. COLLINS. Mr. President, today I am introducing legislation, the Access to Affordable Health Care Act, that is designed to make health insurance more affordable both for individuals and for small businesses that provide health care coverage for their employees.

In the past few years, Congress has taken some major steps to expand access to affordable health coverage for all Americans. In 1996, the Health Insurance Portability and Accountability Act—also known as Kassebaum-Kennedy—was signed into law which assures that American workers and their families will not lose their health care coverage if they change jobs, lose their jobs, or become ill.

One of the first bills I sponsored on coming to the Senate was legislation to establish the State Children's Health Insurance Program, which was enacted as part of the Balanced Budget Act. States have enthusiastically responded to this program, which now provides affordable health insurance coverage to over two million children nationwide, including 9,365 in Maine's expanded Medicaid and CubCare programs.

Despite these efforts, the number of uninsured Americans continues to rise. At a time when unemployment is low and our nation's economy is thriving, more than 44 million Americans—including 200,000 Mainers—do not have health insurance. Clearly, we must make health insurance more available and more affordable.

Most Americans under the age of 65 get their health coverage through the workplace. It is therefore a common assumption that people without health insurance are unemployed. The fact is, however, that most uninsured Americans are members of families with at least one full-time worker. According to the Health Insurance Association of America, almost seven out of ten uninsured Americans live in a family whose head of household works full-time.

In my state of Maine, small business is not just a segment of the economy—it is the economy. I am, therefore, particularly concerned that uninsured, working Americans are most often employees of small businesses. Nearly half of the uninsured workers nationwide are in businesses with fewer than 25 employees.

According to a recent National Federation of Independent Businesses survey of over 4,000 of its members, the cost of health insurance is the number one problem facing small businesses. And it has been since 1986. It is time for us to listen and to lend a hand to these small businesses.

Small employers generally face higher costs for health insurance than larger firms, which makes them less likely to offer coverage. Premiums are generally higher for small businesses because they do not have as much purchasing power as large companies, which limits their ability to bargain for lower rates. They also have higher administrative costs because they have fewer employees among whom to spread the fixed costs of a health benefits plan. Moreover, they are not as able to spread risks of medical claims over as many employees as can large firms.

As a consequence, according to the Congressional Budget Office (CBO), only 42 percent of small businesses with fewer than 50 employees offer health insurance to their employees. By way of contrast, more than 95 percent of businesses with 100 or more employees offer insurance.

Moreover, the smaller the business, the less likely it is to offer health insurance to its employees. According to the Employee Benefit Research Institute (EBRI), only 27 percent of workers in firms with fewer than 10 employees received health insurance from their employers in their own name, compared with 66 percent of workers in firms with 1,000 or more employees. Small businesses want to provide health insurance for their employees, but the cost is often prohibitive.

Simply put, the biggest obstacle to health care coverage in the United States today is cost. While American employers everywhere—from giant multinational corporations to the small corner store—are facing huge hikes in their health insurance costs, these rising costs are particularly problematic for small businesses and their employees. Many small employers are facing premium increases of 20 percent or more, causing them either to drop their health benefits or pass the additional costs on to their employees through increased deductibles, higher copays or premium hikes. This, too, is troubling and will likely add to the ranks of the uninsured since it will cause some employees—particularly lower-wage workers who are disproportionately affected by increased costs—to drop or turn down coverage when it is offered to them.

The legislation I am introducing today, the Access to Affordable Health Care Act, would help small employers cope with these rising costs. My bill would provide new tax credits for small businesses to help make health insurance more affordable. It would encourage those small businesses that do not currently offer health insurance to do so and would help businesses that do offer insurance to continue coverage even in the face of rising costs.

Under my proposal, employers with fewer than ten employees would receive a tax credit of 50 percent of the employer contribution to the cost of employee health insurance. Employers with ten to 25 employees would receive a 30 percent credit. Under my bill, the credit would be based on an employer's yearly qualified health insurance expenses of up to $2,000 for individual coverage and $4,000 for family coverage.

The legislation I am introducing today would also make health insurance more affordable for individuals and families who must purchase health insurance on their own. The Access to Affordable Health Care Act would provide an above-the-line tax deduction for individuals who pay at least 50 percent of the cost of their health and long-term care insurance. Regardless of whether an individual takes the standard deduction or itemizes, he or she would be provided relief by the new above-the-line deduction.

My bill also would allow self-employed Americans to deduct the full amount of their health care premiums. Some 25 million Americans are in families headed by a self-employed individual—of these, five million are uninsured. Establishing parity in the tax treatment of health insurance costs between the self-employed and those working for large businesses is not just a matter of equity. It will also help to reduce the number of uninsured, but working Americans. My bill will make health insurance more affordable for the 82,000 people in Maine who are self-employed. They include our lobstermen, our hairdressers, our electricians, our plumbers, and the many owners of mom-and-pop stores that dot communities throughout the state.

Mr. President, the Access to Affordable Health Care Act would help small businesses afford health insurance for their employees, and it would also make coverage more affordable for working Americans who must purchase it on their own. I urge my colleagues to join me as cosponsors of this important legislation.

---

By Mr. HOLLINGS (for himself, Mr. GRAHAM, Mr. BREAUX, and Mr. CLELAND):

S. 2965. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PORT AND MARITIME SECURITY ACT OF 2000

Mr. HOLLINGS. Mr. President, I rise today, to introduce the Port and Maritime Security Act of 2000. This legislation is long overdue. It is needed to facilitate future technological and advances and increases in international trade, and ensure that we have the sort of security control necessary to ensure that our borders are protected from drug smuggling, illegal aliens, trade fraud, threats of terrorism as well as potential threats to our ability to mobilize U.S. military force.

The Department of Transportation recently commenced an evaluation of our marine transportation needs for the 21st Century. In September 1999, Transportation Secretary Slater issued a preliminary report of the Marine Transportation System (MTS) Task Force—An Assessment of the U.S. Marine Transportation System. The report reflected a highly collaborative effort among public sector agencies, private sector organizations and other stakeholders in the MTS.

The report indicates that the United States has more than 1,000 harbor channels and 25,000 miles of inland, intracoastal, and coastal waterways in the United States which serve over 300 ports, with more than 3,700 terminals that handle passenger and cargo movements. These waterways and ports link to 152,000 miles of railways, 460,000 miles of underground pipelines and 45,000 miles of interstate highways. Annually, the U.S. marine transportation system moves more than 2 billion tons of domestic and international freight, imports 3.3 billion tons of domestic oil, transports 134 million passengers by ferry, serves 78 million Americans engaged in recreational boating, and hosts more than 5 million cruise ship passengers.

The MTS provides economic value, as waterborne cargo contributes more than $742 billion to U.S. gross domestic product and creates employment for more than 13 million citizens. While these figures reveal the magnitude of our waterborne commerce, they don't reveal the spectacular growth of waterborne commerce, or the potential problems in coping with this growth. It is estimated that the total volume of domestic and international trade is expected to double over the next twenty years. The doubling of trade also brings up the troubling issue of how the U.S. is going to protect our maritime borders from crime, threats of terrorism, or even our ability to mobilize U.S. armed forces.

Security at our maritime borders is given substantially less federal consideration than airports or land borders. In the aviation industry, the Federal Aviation Administration (FAA) is intimately involved in ensuring that security measures are developed, implemented, and funded. The FAA works with various Federal officials to assess threats directed toward commercial aviation and to target various types of security measures as potential threats change. For example, during the Gulf War, airports were directed to ensure that no vehicles were parked within a set distance of the entrance to a terminal.

Currently, each air carrier, whether a U.S. carrier or foreign air carrier, is required to submit a proposal on how it plans to meet its security needs. Air carriers also are responsible for screening passengers and baggage in compliance with FAA regulations. The types of machines used in airports are all approved, and in many instances paid for by the FAA. The FAA uses its laboratories to check the machinery to determine if the equipment can detect explosives that are capable of destroying commercial aircrafts. Clearly, we learned from the Pan Am 103 disaster over Lockerbie, Scotland in 1988. Congress passed legislation in 1990 ''the Aviation Security Improvement Act,'' which was carefully considered by the Commerce Committee, to develop the types of measures I noted above. We also made sure that airports, the FAA, air carriers and law enforcement worked together to protect the flying public.

Following the crash of TWA flight 800 in 1996, we also leaped to spend money, when it was first thought to have been caused by a terrorist act. The FAA spent about $150 million on additional screening equipment, and we continue today to fund research and development for better, and more effective equipment. Finally, the FAA is responsible for ensuring that background checks (employment records/criminal records) of security screeners and those with access to secured airports are carried out in an effective and thorough manner. The FAA, at the direction of Congress, is responsible for certifying screening companies, and has developed ways to better test screeners. This is all done in the name of protecting the public. Seaports deserve no less consideration.

At land borders, there is a similar investment in security by the federal government. In TEA–21, approved $140 million a year for five years for the National Corridor Planning and Development and Coordinated Border Infrastructure Program. Eligible activities under this program include improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicles and cargo movements; construction of highways and related safety enforcement facilities that facilitate movements related to international trade; operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movements; and planning, coordination, design and location studies. By way of contrast, at U.S. seaports, the federal government invests nothing in infrastructure, other than the human presence of the U.S. Coast Guard, U.S. Customs Service, and the Immigration and Naturalization Service, and whatever equipment those agencies have to accomplish their mandates. Physical infrastructure is provided by state-controlled port authorities, or by private sector marine terminal operators. There are no controls, or requirements in place, except for certain standards promulgated by the Coast Guard for the protection of cruise ship passenger terminals. Essentially, where sea ports are concerned we have abrogated the federal responsibility of border control to the state and private sector.

I think that the U.S. Coast Guard and Customs Agency are doing an outstanding job, but they are outgunned. There is simply too much money in the illegal activities they are seeking to curtail or eradicate, and there is too much traffic coming into, and out of the United States. For instance, in the latest data available, 1999, we had more than 10 million TEU's imported into the United States. For the uninitiated, a TEU refers to a twenty-foot equivalent unit shipping container. By way of comparison, a regular truck measures 48-feet in length. So in translation, we imported close to 5 million truckloads of cargo. According to the Customs Service, seaports are able to inspect between 1 percent and 2 percent of the containers, so in other words, a drug smuggler has a 98 percent chance of gaining illegal entry.

It is amazing to think, that when you or I walk through an international airport we will walk through a metal detector, and our bags will be x-rayed, and Customs will interview us, and may check our bags. However, at a U.S. seaport you could import a 48 foot truck load of cargo, and have at least a 98 percent chance of not even being inspected. It just doesn't seem right.

For instance, in my own state, the Port of Charleston which is the fourth largest container port in the United States, Customs officials have no equipment even capable of x-raying intermodal shipping containers. Customs, which is understaffed to start with, must physically open containers, and request the use of a canine unit from local law enforcement to help with drug or illegal contraband detection. This is simply not sufficient.

The need for the evaluation of higher scrutiny of our system of seaport security came at the request of Senator

GRAHAM, and I would like to at this time commend him for his persistent efforts to address this issue. Senator GRAHAM has had problems with security at some of the Florida seaports, and although the state has taken some steps to address the issue, there is a great need for considerable improvement. Senator GRAHAM laudably convinced the President to appoint a Commission, designed similarly to the Aviation Security Commission, to review security at U.S. seaports.

The Commission visited twelve major U.S. seaports, as well as two foreign ports. It compiled a record of countless hours of testimony and heard from, and reviewed the security practices of the shipping industry. It also met with local law enforcement officials to discuss the issues and their experiences as a result of seaport related crime. Unfortunately, the report will not be publicly available until sometime in the fall; however, Senator GRAHAM's staff and my staff have worked closely with the Commission, to develop legislation—the bill that we are introducing—to address the Commission's concerns.

For instance, the Commission found that twelve U.S. seaports accounted for 56 percent of the number of cocaine seizures, 32 percent of the marijuana seizures, and 65 percent of heroin seizures in commercial cargo shipments and vessels at all ports of entry nationwide. Yet, we have done relatively little, other than send in an undermanned contingency of Coast Guards and Customs officials to do whatever they can.

Drugs are not the only criminal problem confronting U.S. seaports. For example, alien smuggling has become increasingly lucrative enterprise. To illustrate, in August of 1999, I.N.S. officials found 132 Chinese men hiding aboard a container ship docked in Savannah, Georgia. The INS district director was quoted as saying; ''This was a very sophisticated ring, and never in my 23 years with the INS have I seen anything as large or sophisticated''. According to a recent GAO report on INS efforts on alien smuggling (RPT-Number: B–283952), smugglers collectively may earn as much as several billion dollars per year bringing in illegal aliens.

Another problem facing seaports is cargo theft. Cargo theft does not always occur at seaports, but in many instances the theft has occurred because of knowledge of cargo contents. International shipping provides access to a lot of information and a lot of cargo to many different people along the course of its journey. We need to take steps to ensure that we do not facilitate theft. Losses as a result of cargo theft have been estimated as high as $12 billion annually, and it has been reported to have increased by as much as 20 percent recently. The FBI has become so concerned that it recently established a multi-district task force, Operation Sudden Stop, to crack down on cargo crime.

The other issues facing seaport security may be less evident, but potentially of greater threat. As a nation in general, we have been relatively lucky to have been free of some of the terrorist threats that have plagued other nations. However, we must not become complacent. U.S. seaports are extremely exposed. On a daily basis many seaports have cargo that could cause serious illness and death to potentially large populations of civilians living near seaports if targeted by terrorism.

The sheer magnitude of most seaports, their historical proximity to established population bases, the open nature of the facility, and the massive quantities of hazardous cargoes being shipped through a port could be extremely threatening to the large populations that live in areas surrounding our seaports. The same conditions in U.S. seaports, that could expose us to threats from terrorism, could also be used to disrupt our abilities to mobilize militarily. During the Persian Gulf War, 95 percent of our military cargo was carried by sea. Disruption of sea service, could have resulted in a vastly different course of history. We need to ensure that it does not happen to any future military contingencies.

As I mentioned before, our seaports are international borders, and consequently we should treat them as such. However, I am realistic about the possibilities for increasing seaport security, the realities of international trade, and the many functional differences inherent in the different seaport localities. Seaports by their very nature, are open and exposed to surrounding areas, and as such it will be impossible to control all aspects of security, however, sensitive or critical safety areas should be protected. I also understand that U.S. seaports have different security needs in form and scope. For instance, a seaport in Alaska, that has very little international cargo does not need the same degree of attention that a seaport in a major metropolitan center, which imports and exports thousands of international shipments. However, the legislation we are introducing today will allow for public input and will consider local issues in the implementation of new guidelines on port security, so as to address such details.

Substantively, the Port and Maritime Security Act establishes a multi-pronged effort to address security needs at U.S. Seaports, and in some cases formalizes existing practices that have proven effective. The bill authorizes the Coast Guard to establish a task force on port security in consultation with U.S. Customs and the Maritime Administration.

The purpose of the task force is to implement the provisions of the act; to coordinate programs to enhance the security and safety of U.S. seaports; to provide long-term solutions for seaport safety issues; to coordinate with local port security committees established by the Coast Guard to implement the provisions of the bill; and to ensure that the public and local port security committees are kept informed about seaport security enhancement developments.

The bill requires the U.S. Coast Guard to establish local port security committees at each U.S. seaport. The membership of these committees is to include representatives of the port authority, labor organizations, the private sector, and federal, state, and local government officials. These committees will be chaired by the U.S. Coast Guard's Captain-of-the-Port, and will implement the provisions and requirements of the bill locally, to ensure that local considerations are considered in the establishment of security guidelines.

The bill requires the task force, in consultation with the U.S. Customs Service and MarAd, to develop a system of providing port security threat assessments for U.S. seaports, and to revise this assessment at least triennially. The threat assessment shall be performed with the assistance of local officials, through local port security committees, and ensure the port is made aware of and participates in the analysis of security concerns.

The bill also requires the task force to develop voluntary minimum security guidelines that are linked to the U.S. Coast Guard Captain-of-the-Port controls, to include a model port concept, and to include recommended ''best practices'' guidelines for use of maritime terminal operators. Local port security committees are to participate in the formulation of security guidelines, and the Coast Guard is required to pursue the international adoption of similar security guidelines. Additionally, the Maritime Administration (MarAd) is required to pursue the adoption of proper private sector accreditation of ports that adhere to guidelines (similar to a underwriters lab approval, or ISO 9000 accreditations).

The bill authorizes MarAd to provide Title XI loan guarantees to cover the costs of port security infrastructure improvements, such as cameras and other monitoring equipment, fencing systems and other types of physical enhancements. The bill authorizes $10 million, annually for four years, to cover costs, as defined by the Credit Reform Act, which could guarantee up to $400 million in loans for security enhancements. The bill also establishes a matching grant program to develop and transfer technology to enhance security at U.S. seaports. The U.S. Customs Service may award up to $12 million annually for four years for this technology program, which is required to be awarded on a competitive basis. Long-term technology development is needed to ensure that we can develop non-intrusive technology that will allow trade to expand, but also allow us greater ability to detect criminal threat.

The bill also authorizes additional funding for the U.S. Customs Service to carry out the requirements of the

bill, and more generally, to enhance seaport security. The bill requires a report to be attached on security and a revision of 1997 document entitled ''Port Security: A National Planning Guide.'' The report and revised guide are to be submitted to Congress and are to include a description of activities undertaken under the Port and Maritime Security Act of 2000, in addition to analysis of the effect of those activities on port security and preventing acts of terrorism and crime.

The bill requires the Attorney General, to the extent feasible, to coordinate reporting of seaport related crimes and to work with state law enforcement officials to harmonize the reporting of data on cargo theft. Better data will be crucial in identifying the extent and location of criminal threats and will facilitate law enforcement efforts combating crime. The bill also requires the Secretaries of Agriculture, Treasury, and Transportation, as well as the Attorney General to work together to establish shared dockside inspection facilities at seaports for federal and state agencies, and authorizes $3 million, annually for four years, to carry out this section. The bill also requires the Customs Service to improve reporting of imports at seaports, and to eliminate user fees for domestic U.S.-flag carriers carrying in-bond domestic cargo.

Finally, the bill reauthorizes an extension of tonnage duties through 2006, and makes available $40,000,000 from the collections of these duties to carry out the Port and Maritime Security Act. These fees currently are set at certain levels, and are scheduled to be reduced in 2002. The legislation reauthorizes and extends the current fee level for an additional four years, but dedicates its use to enhancing our efforts to fight crime at U.S. seaports and to facilitating improved protection of our borders, as well as to enhance our efforts to ward off potential threats of terrorism.

Mr. GRAHAM. Mr. President, I rise today, joined by Senators HOLLINGS, BREAUX, and CLELAND, to introduce the Port and Maritime Security Act of 2000, a bill that would significantly improve the overall security and cargo processing operations at U.S. seaports.

For some time, I have very been concerned that seaports—unlike our airports, lack the advanced security procedures and equipment that are necessary to prevent acts of terrorism, cargo theft and drug trafficking. In addition, although seaports conduct the vast majority of our international trade, the activities of law enforcement and trade processing agencies—such as the Coast Guard, Customs, the Department of Agriculture, the FBI, and state and local agencies—are often uncoordinated and fragmented. Taken together, the lack of security and interagency coordination at U.S. seaports present an extremely attractive target for criminals and a variety of criminal activities.

Before discussing the specifics of this legislation, it is important to describe the circumstances that have caused the security crisis at our seaports. Today, U.S. seaports conduct 95 percent of the Nation's international trade. Over the next twenty years, the total volume of imported and exported goods at seaports is expected to increase three-fold.

In addition, the variety of trade and commerce that are carried out at seaports has greatly expanded. Bulk cargo, containerized cargo, passenger cargo and tourism, intermodal transportation systems, and complex domestic and international trade relationships have significantly changed the nature and conduct of seaport commerce. This continuing expansion of activity at seaports has increased the opportunities for a variety of illegal activities, including drug trafficking, cargo theft, auto theft, illegal immigration, and the diversion of cargo, such as food, to avoid safety inspections.

In the face of these new challenges, it appears that the U.S. port management system has fallen behind the rest of the world. We lack a comprehensive, nationwide strategy to address the security issues that face our seaport system.

Therefore, in 1998, I asked the President to establish a Federal commission to evaluate both the nature and extent of crime and the overall state of security in seaports and to develop recommendations for improving the response of Federal, State and local agencies to all types of seaport crime. In response to my request, President Clinton established the Interagency Commission on Crime and Security in U.S. Seaports on April 27, 1999.

Over the past year, the Commission has conducted on-site surveys of twelve (12) U.S. seaports, including the Florida ports of Miami and Port Everglades. At each location, interviews and focus group sessions were held with representatives of Government agencies and the trade community. The focus group meetings with Federal agencies, State and local government officials, and the trade community were designed to solicit their input regarding issues involving crime, security, cooperation, and the appropriate government response to these issues. The Commission also visited two large foreign ports—Rotterdam and Felixstowe—in order to assess their security procedures and use their standards and procedures as a ''benchmark'' for operations at U.S. ports.

In February of this year, the Commission issued preliminary findings which outlined many of the common security problems that were discovered in U.S. seaports. Among other conclusions, the Commission found that: (1) intelligence and information sharing among law enforcement agencies needs to be improved at many ports; (2) many ports do not have any idea about the threats they face, because vulnerability assessments are not performed locally; (3) a lack of minimum security standards at ports and at terminals, warehouses, and trucking firms, leaves many ports and port users vulnerable to theft, pilferage, and unauthorized access by criminals; and (4) advanced equipment, such as small boats, cameras, vessel tracking devices, and large scale x-rays, are lacking at many high-risk ports. Although the Commission's final report will not be released until later this summer, I have worked closely with them to draft this legislation.

The legislation Senator HOLLINGS and I are introducing today will begin to address the problems of our seaports by directing the Commandant of the Coast Guard, in consultation with the Customs Service and the Maritime Administration, to establish a Task Force on Port Security. The new Task Force on Port Security will be responsible for implementing all of the provisions of our legislation. It will have a balanced representation, including Federal, State, local, and private sector representatives familiar with port operations, including port labor.

To ensure full implementation of this legislation, the bill requires the U.S. Coast Guard to establish local port security committees at each U.S. seaport. Membership of these committees will include representatives of the local port authority, labor organizations, the private sector, and Federal, State, and local government officials. The committees will be chaired by the local U.S. Coast Guard Captain-of-the-Port.

In addition, our bill requires the Task Force on Port Security to develop a system of providing port security threat assessments for U.S. seaports, and to revise these assessments at least every three years. The local port security committees will participate in the analysis of threat and security concerns.

Perhaps most important, the bill requires the Task Force to develop voluntary minimum security guidelines for seaports, develop a ''model port'' concept for all seaports, and include recommended ''best practices'' guidelines for use by maritime terminal operators. Again, local port security committees are to participate in the formulation of these security guidelines, and the Coast Guard is required to pursue the international adoption—through the International Maritime Organization and other organizations—of similar security guidelines.

Some States and localities have already conducted seaport security reviews, and have implemented strategies to correct the security shortfalls that they have discovered. In 1999, Florida initiated comprehensive security review of seaports within the state. Led by James McDonough, Director of the governor's Office of Drug Control, the review found that 150 to 200 metric tons of cocaine—or fifty percent of the U.S. total-flow into Florida annually through ports throughout the state.

Both the Florida Legislature and the Florida National Guard recognized the need to address this growing problem and acted decisively. Legislation was introduced in the Florida Senate that called for the development and implementation of statewide port security plans, including requirements for minimum security standards and compliance inspections. In fiscal year 2001, the Florida National Guard will commit $1 million to provide counter-narcotics support at selected ports-of-entry to both strengthen U.S. Customs Service interdiction efforts and enhance overall security at these ports.

In a July 21, 2000, editorial in the Tallahassee Democrat, Mr. McDonough identifies the evaluation of Florida's seaports and the implementation of security standards as a priority initiative in stemming the flow of drugs into Florida.

We realize that U.S. seaports are a joint federal, state, and local responsibility, and we seek to support comprehensive port security efforts such as the one in Florida. Therefore, our bill provides significant incentives for both port infrastructure improvements and research and development on new port security equipment.

The bill authorizes the Maritime Administration to provide title XI loan guarantees to cover the costs of port security infrastructure improvements, such as cameras and other monitoring equipment, fencing systems, as well as other physical security enhancements. The authorization level of $10 million annually, for four years, could guarantee up to $400 million in loans for seaport security enhancements.

In addition, the legislation will also establish a matching grant program to develop and transfer technology to enhance security at U.S. seaports. The U.S. Customs Service may award up to $12 million annually, for four years, for this competitive grant program.

We also must improve the reporting on, and response to, seaport crimes as they take place. Therefore, the bill requires the Attorney General to coordinate reports of seaport related crimes and to work with State law enforcement officials to harmonize the reporting of data of cargo theft. To facilitate this coordination, the bill authorizes $2 million annually, for four years, to modify the Justice Department's National Incident-Based Reporting System. It also authorizes grants to states to help them modify their reporting systems to capture crime data more accurately.

In order to pay for all of these important initiatives, the bill would reauthorize an extension of tonnage duties through 2006. It would also make available $40,000,000 from the collection of these duties to carry out all of the provisions of the Port and Maritime Security Act. Currently, the collection of tonnage duties is not directed towards a specific program. Implementing the provisions of the Port and Maritime Security Act of 2000 will produce concrete improvements in the efficiency, safety, and security of our nation's seaports, and will result in a demonstrable benefit for those who currently pay tonnage duties.

Seaports play one of the most critical roles in expanding our international trade and protecting our borders from international threats. The ''Port and Maritime Security Act'' recognizes these important responsibilities of our seaports, and devotes the necessary resources to move ports into the 21st century. I urge my colleagues to look towards the future by supporting this critical legislation—and by taking action to protect one of our most valuable tools in promoting economic growth.

Mr. President, I ask unanimous consent to print the July 21, 2000 editorial from The Tallahasee Democrat in the RECORD.

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

[From the Tallahassee Democrat, July 21, 2000]

FLORIDA'S DRUG WAR: LOOKING BACK—AND AHEAD

(By James R. McDonough)

The recent signing of anti-drug legislation by Gov. Jeb Bush should come as welcome news to Debbie Alumbaugh and parents like her.

In 1998, Michael Tiedemann, the Fort Pierce woman's 15-year-old son, choked to death on his vomit after getting sick from ingesting GHB and another drug. GHB is one of several ''club'' or ''designer'' drugs that are a growing problem in Tallahassee, as pointed out recently in a letter to the Democrat by Rosalind Tompkins, director of the newly created Anti-Drug Anti-Violence Alliance. The new law won't bring Michael back, but it lessens the chance that GHB and other dangerous substances will fall into other young hands. Gov. Bush, who has made reducing drug abuse one of his top priorities, approved the following anti-drug measures passed during the 2000 session:

A controlled substance act, which is aimed at GHB, ecstasy and other club drugs, and more established drugs such as methamphetamine. The new law addresses the trafficking, sale, purchase, manufacture and possession of these drugs.

A nitrous oxide criminalization act that addresses the illegal possession, sale, purchase or distribution of this substance.

A money-laundering bill designed to tighten security at Florida's seaports. The measure also creates a contraband interdiction team that will search vehicles for illegal drugs.

A bill that applies the penalties under Florida's ''10/20/Life'' law to juveniles who carry a gun while trafficking in illegal drugs.

Gov. Bush also approved a budget that includes an estimated $270 million for drug abuse prevention and treatment. This is a big step in the right direction, as these services, especially drug prevention programs aimed at children, are critical.

Considering the above legislation—along with the publication of the Florida Drug Control Strategy, a statewide crackdown on rave clubs, a survey that shows significant reductions in youth use of marijuana, cocaine and inhalants, and a decline in heroin and cocaine overdose deaths—the past year has shown some progress toward reducing drug abuse.

Even with additional dollars for drug abuse treatment, the number of treatment beds still falls far short of demand. The wait time to enter a treatment program is measured in weeks. This is unacceptable when you consider the damage done to the individual and to society as an addict awaits treatment. We must continue to narrow the treatment gap until those who need this vital help can get it in a timely manner.

Our efforts cannot be solely focused on the demand for drugs. A sound drug control strategy must also address supply. The Office of Drug Control has several initiatives to stem the flow of drugs into Florida.

An intelligence effort to determine the types of drugs entering our state, the way in which they enter, who brings them in and the amounts. This includes the expansion of a drug supply database, all of which go to better inform counter-drug operations.

An evaluation of Florida's seaports and the implementation of standards for security against drug smuggling and money laundering.

The addition of a third High Intensity Drug Trafficking Area—a formal designation that creates a multi-agency anti-drug task force—covering Northeast Florida.

A systematic counter-drug effort aimed at interdicting and deterring drug trafficking on Florida's roads and highways.

Development of intelligence-driven multi-jurisdictional counter-drug operations that combine the efforts of law enforcement agencies at the federal, state and local levels.

Our efforts will continue. As history has taught us, the struggle against drugs is one that never ends. The minute we believe we have put the matter to rest and relax our guard, drug use immediately begins to resurge. Conversely, if we address the problem in a rational, balanced way, drug abuse abates. The fact is that government can only do so much in countering illegal drugs. Because substance abuse has such as pervasive impact on the family and on society, addressing the problem falls to the entire community: government, educators, community and business leaders, clergy, coaches and, most importantly, parents.

---

By Mr. JEFFORDS (for himself, Mr. BAUCUS, Mr. EDWARDS, and Mr. ROTH):

S. 2966. A bill to amend the Fair Labor Standards Act of 1938 to prohibit retaliation and confidentiality policies relating to disclosure of employee wages, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE WAGE AWARENESS PROTECTION ACT

Mr. JEFFORDS. Mr. President, it is with great pride that I introduce the Wage Awareness Protection Act.

We have made great strides in the fight against workplace discrimination. The enactment of the Civil Rights Act more than 30 years ago served to codify this Nation's commitment to the basic principles of equal opportunity and fairness in the workplace. At the time, we enacted not one, but two laws, aimed at ensuring that women receive equal pay for equal work: the Equal Pay Act (''EPA'') of 1963, and to Title VII of the 1964 Civil Rights Act. More recently, Congress reaffirmed this commitment by passing the Civil Rights Act of 1991, which expanded the 1964 Civil Rights Act and gave victims of intentional discrimination the ability to recover compensatory and punitive damages.

Certainly a lot has changed since we first enacted these laws. It should come as no surprise that more women are participating in the labor force than ever before, with women now making up an estimated 46 percent of the workforce. Women are also spending more time in school and are now earning over half of all bachelor's and master's degrees. In addition, women are breaking down longstanding barriers in certain industries and occupations.

Despite these advances, the unfortunate reality is that pay discrimination has continued to persist in some workplaces. In a recent hearing before the Committee on Health, Education, Labor and Pensions, we heard testimony that a principal reason why gender-based wage discrimination has continued is that many female employees are simply unaware that they are being paid less than their male counterparts. These unwitting victims of wage discrimination are often kept in the dark by employer policies that prohibit employees from sharing salary information. Employees are warned that they will be reprimanded or terminated if they discuss salary information with their co-workers.

I believe that a fundamental barrier to uncovering and resolving gender-based pay discrimination is fear of employer retaliation. Employees who suspect wage discrimination should be able to share their salary information with co-workers. I am not alone in my belief. According to a recent Business and Professional Women/USA survey, Americans overwhelmingly support anti-retaliation legislation. And, 65 percent of those polled, said they believe legislation should protect those who suspect wage discrimination from employer retaliation for discussing salary information with co-workers.

The Worker Awareness Protection Act will prohibit employers from having blanket wage confidentiality policies preventing employees from sharing their salary information. In addition, this new legislation will bolster the Equal Pay Act's retaliation provisions including providing workers with protection from employer retaliation for voluntarily discussing their own salary information with coworkers. I am excited about this legislation. It is my hope that it will help point the way to elimination of any pernicious discriminatory pay practices.

I urge all my colleagues to join me in supporting this bill.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

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

S. 2966

*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 ''Wage Awareness Protection Act''.

**SEC. 2. PROHIBITED ACTS.**

(a) PROHIBITION ON RETALIATION AND CONFIDENTIALITY POLICIES.—Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) is amended—

(1) by redesignating paragraph (4) as paragraph (6); and

(2) by inserting after paragraph (3) the following:

''(4) It shall be unlawful for any person—

''(A) to discharge or in any other manner discriminate against any employee because such employee—

''(i) has made a charge, assisted, or participated in any manner in an investigation, hearing, or other proceeding under this subsection; or

''(ii) has inquired about, discussed, or otherwise disclosed the wages of the employee, or another employee who is not covered by a confidentiality policy that is lawful under subparagraph (B); or

''(B) to make or enforce a written or oral confidentiality policy that prohibits an employee from inquiring about, discussing, or otherwise disclosing the wages of the employee or another employee, except that nothing in this subparagraph shall be construed—

''(i) to prohibit an employer from making or enforcing such a confidentiality policy, for an employee who regularly, in the course of carrying out the employer's business, obtains information about the wages of other employees, that prohibits the employee from inquiring about, discussing, or otherwise disclosing the wages of another employee, except that an employee may discuss or otherwise disclose the employee's own wages; and

''(ii) to require the employer to disclose an employee's wages.

''(5) For purposes of sections 16 and 17, a violation of paragraph (4) shall be treated as a violation of section 15(a)(3), rather than as a violation of this section.''.

(b) CONFORMING AMENDMENT.—Section 6(d)(3) of the Fair Labor Standands Act of 1938 (29 U.S.C. 206(d)(3) is amended by inserting ''(other than paragraph (4))'' after ''this subsection''.

---

By Mr. MURKOWSKI (for himself, Mr. GORTON, Mr. KERREY, and Mr. JEFFORDS):

S. 2967. A bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry; to the Committee on Finance.

THE ELECTRIC POWER INDUSTRY TAX MODERNIZATION ACT

Mr. MURKOWSKI. Mr. President, today I am joined by Senators, GORTON, KERREY and JEFFORDS in introducing the Electric Power Industry Tax Modernization Act, legislation that will facilitate the opening up of the nation's energy grid to electricity competition. This landmark legislation demonstrates the good faith of the most important players in the industry—the investor owned utilities (IOUs) and the municipal utilities.

In the Energy Committee, which I currently Chair, we have held more than 18 days of hearings and heard testimony from more than 160 witnesses on electricity restructuring. Although those 160 witnesses had many differing views, every witness agreed that the tax laws must be rewritten to reflect the new reality of a competitive electricity market.

Already, 24 states have implemented laws deregulating their electricity markets. And the other 36 states are all considering deregulation schemes. Faced with that reality, the federal tax laws must be updated to ensure that tax laws which made sense when electricity was a regulated monopoly are not allowed to interfere with opening up the nation's electrical infrastructure to competition.

Last October I held a hearing in the Finance Committee Subcommittee on Long Term Growth to examine all of the tax issues that confront the industry. At the end of the hearing I urged all parties to sit down at the negotiating table and hammer out a consensus that will resolve the tax issues.

The bill we are introducing today reflects the compromise that has been reached between the IOUs and the municipal utilities.

One of the major problems that the current tax rules create is to undermine the efficiency of the entire electric system in a deregulated environment because these rules effectively preclude public power entities from participating in State open access restructuring plans, without jeopardizing the exempt status of their bonds.

No one wants to see bonds issued to finance public power become retroactively taxable because a municipality chooses to participate in a state open access plan. That would cause havoc in the financial markets and could undermine the financial stability of many municipalities.

The bill we are introducing overcomes this problem by allowing municipal systems to elect to terminate the issuance of new tax-exempt bonds for generation facilities in return for grandfathering existing bonds. In addition, the bill allows tax-exempt bonds to be issued to finance some new transmission facilities.

I recognize that in making these two changes in the tax law, the municipal utilities have given up a substantial financing tool that has been at the heart of the controversy between the municipal utilities and the IOUs.

At the same time, the bill updates the tax code to reflect the fact that the regulated monopoly model no longer exists. For example, the bill modifies the current rules regarding the treatment of nuclear decommissioning costs to make certain that utilities will have the resources to meet those future costs and clarifies the tax treatment of these funds if a nuclear facility is sold.

The bill also provides tax relief for utilities that spin off or sell transmission facilities to independent participants in FERC approved regional transmission organizations.

Another section of the bill changes the tax rules regarding contributions in aid of construction for electric transmission and distribution facilities. This is an especially important provision; however when this bill is considered in the Finance Committee, I intend to modify this proposal so that it is expanded to all contributions in aid of construction, not just for electric transmission and distribution.

The IOUs and the Municipal utilities are to be commended for coming up

with this agreement. However, there is one other element of the tax code that needs to be addressed if we are going to open the entire grid to competition. And that sector is the cooperative sector.

Currently, coops may not participate in wheeling power through their lines because of concern that they will violate the so-called 85–15 test. I urge the coops to sit down with the other utilities and reach an accord so that when we consider this legislation, the coops' will be included in a tax bill.

Mr. GORTON. Mr. President, today I am extremely pleased to co-sponsor the Electric Power Industry Tax Modernization Act. This legislation, when enacted, will contribute to a more reliable and efficient electric power industry that will provide benefits for all Americans connected to the interstate power grid.

I have been working for three years to resolve the tax problems for consumer-owned municipal utilities, those that are often referred to as Public Power. Nearly half the citizens of my state are served by Public Power.

These problems are due to outdated tax statutes that were written in a different era-an era where the emerging competition in the wholesale electricity market was not envisioned. The negative effects of these outdated tax provisions have impacted not only consumers of Public Power, but also tens of millions of other customers. Public Power is often prevented from sharing the use of their transmission systems solely due to these tax provisions. These outdated tax provisions are negatively impacting the reliability of entire regions of our nation, adding stress to an already stressed system.

In addition to Public Power, other types of utilities are prevented from adapting to this new era of emerging competition by other constraints in this outdated area of the tax law. All of these uncertainties have led to a condition where investment has slowed in this critical area of the economy, just as we need more investment to assure sufficient power plants and transmission lines to feed a growing economy that is increasingly dependent on reliable and affordable electricity.

This compromise bill includes the essence of my legislation, S. 386, The Bond Fairness and Protection Act that I introduced last year with Senator KERREY from Nebraska, a bill that includes an additional 32 co-sponsors in the Senate. This legislative language will allow Public Power to move into the future with certainty, and protects the millions of American citizens who hold current investments in Public Power debt.

The bill also includes legislative language that resolves conflicts for investor-owned utilities. These changes are also needed to solve problems in other parts of the outdated tax code as it pertains to electricity. The new provisions will also help contribute to a more reliable and orderly electricity system in our nation.

I look forward to gaining additional support for this bill among the other members of the Senate, and I look forward to the Finance Committee's consideration of this legislation in September. As soon as this legislation can be enacted, American electricity consumers will begin to enjoy a more certain and reliable future regarding their electricity needs.

Mr. KERREY. Mr. President, today I wish to join my colleagues, Senator MURKOWSKI, GORTON, and JEFFORDS in introducing legislation that will help ensure that customers receive reliable and affordable electricity. The Electric Power Industry Tax Modernization Act is the culmination of months-long discussions between shareholder-owned utilities and publicly-owned utilities. Without the diligence and patience exhibited by these groups, it is doubtful that Congress could be in the position to act on this issue. Additionally, I would like to recognize the efforts of Senator MURKOWSKI and Senator GORTON, whose efforts at getting these groups to sit down and discuss these issues was invaluable to the final agreement.

Mr. President, this legislation will ensure that Nebraskans continue to benefit from the publicly-owned power they currently receive. Nebraska has 154 not-for-profit community-based public power systems. It is the only state which relies entirely on public power for electricity. This system has served my state well as Nebraskans enjoy some of the lowest electricity rates in the nation.

In closing, I would urge my colleagues to join this bipartisan effort to address the changes steaming from electrical restructuring.

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

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

S. 2967

*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 ''Electric Power Industry Tax Modernization Act''.

**SEC. 2. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES.**

(a) RULES APPLICABLE TO ELECTRIC OUTPUT FACILITIES.—Subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to tax exemption requirements for State and local bonds) is amended by inserting after section 141 the following new section:

**''SEC. 141A. ELECTRIC OUTPUT FACILITIES.**

''(a) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING FOR CERTAIN ELECTRIC OUTPUT FACILITIES.—

''(1) IN GENERAL.—A governmental unit may make an irrevocable election under this paragraph to terminate certain tax-exempt financing for electric output facilities. If the governmental unit makes such election, then—

''(A) except as provided in paragraph (2), on or after the date of such election the governmental unit may not issue with respect to an electric output facility any bond the interest on which is exempt from tax under section 103, and

''(B) notwithstanding paragraph (1) or (2) of section 141(a) or paragraph (4) or (5) of section 141(b), no bond which was issued by such unit with respect to an electric output facility before the date of enactment of this subsection (or which is described in paragraph (2)(B), (D), (E) or (F)) the interest on which was exempt from tax on such date, shall be treated as a private activity bond.

''(2) EXCEPTIONS.—An election under paragraph (1) does not apply to any of the following bonds:

''(A) Any qualified bond (as defined in section 141(e)).

''(B) Any eligible refunding bond (as defined in subsection (d)(6)).

''(C) Any bond issued to finance a qualifying transmission facility or a qualifying distribution facility.

''(D) Any bond issued to finance equipment or facilities necessary to meet Federal or State environmental requirements applicable to an existing generation facility.

''(E) Any bond issued to finance repair of any existing generation facility. Repairs of facilities may not increase the generation capacity of the facility by more than 3 percent above the greater of its nameplate or rated capacity as of the date of enactment of this section.

''(F) Any bond issued to acquire or construct (i) a qualified facility, as defined in section 45(c)(3), if such facility is placed in service during a period in which a qualified facility may be placed in service under such section, or (ii) any energy property, as defined in section 48(a)(3).

''(3) FORM AND EFFECT OF ELECTION.—

''(A) IN GENERAL.—An election under paragraph (1) shall be made in such a manner as the Secretary prescribes and shall be binding on any successor in interest to, or any related party with respect to, the electing governmental unit. For purposes of this paragraph, a governmental unit shall be treated as related to another governmental unit if it is a member of the same controlled group.

''(B) TREATMENT OF ELECTING GOVERNMENTAL UNIT.—A governmental unit which makes an election under paragraph (1) shall be treated for purposes of section 141 as a person which is not a governmental unit and which is engaged in a trade or business, with respect to its purchase of electricity generated by an electric output facility placed in service after such election, if such purchase is under a contract executed after such election.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) EXISTING GENERATION FACILITY.—The term 'existing generation facility' means an electric generation facility in service on the date of the enactment of this subsection or the construction of which commenced before June 1, 2000.

''(B) QUALIFYING DISTRIBUTION FACILITY.—The term 'qualifying distribution facility' means a distribution facility over which open access distribution services described in subsection (b)(2)(C) are provided.

''(C) QUALIFYING TRANSMISSION FACILITY.—The term 'qualifying transmission facility' means a local transmission facility (as defined in subsection (c)(3)(A)) over which open access transmission services described in subparagraph (A), (B), or (E) of subsection (b)(2) are provided.

''(b) PERMITTED OPEN ACCESS ACTIVITIES AND SALES TRANSACTIONS NOT A PRIVATE BUSINESS USE FOR BONDS WHICH REMAIN SUBJECT TO PRIVATE USE RULES.—

''(1) GENERAL RULE.—For purposes of this section and section 141, the term 'private business use' shall not include a permitted

open access activity or a permitted sales transaction.

''(2) PERMITTED OPEN ACCESS ACTIVITIES.—For purposes of this section, the term 'permitted open access activity' means any of the following transactions or activities with respect to an electric output facility owned by a governmental unit:

''(A) Providing nondiscriminatory open access transmission service and ancillary services—

''(i) pursuant to an open access transmission tariff filed with and approved by FERC, but, in the case of a voluntarily filed tariff, only if the governmental unit voluntarily files a report described in paragraph (c) or (h) of section 35.34 of title 18 of the Code of Federal Regulations or successor provision (relating to whether or not the issuer will join a regional transmission organization) not later than the later of the applicable date prescribed in such paragraphs or 60 days after the date of the enactment of this section,

''(ii) under an independent system operator agreement, regional transmission organization agreement, or regional transmission group agreement approved by FERC, or

''(iii) in the case of an ERCOT utility (as defined in section 212(k)(2)(B) of the Federal Power Act (16 U.S.C. 824k(k)(2)(B)), pursuant to a tariff approved by the Public Utility Commission of Texas.

''(B) Participation in—

''(i) an independent system operator agreement,

''(ii) a regional transmission organization agreement, or

''(iii) a regional transmission group,

which has been approved by FERC, or by the Public Utility Commission of Texas in the case of an ERCOT utility (as so defined). Such participation may include transfer of control of transmission facilities to an organization described in clause (i), (ii), or (iii).

''(C) Delivery on a nondiscriminatory open access basis of electric energy sold to end-users served by distribution facilities owned by such governmental unit.

''(D) Delivery on a nondiscriminatory open access basis of electric energy generated by generation facilities connected to distribution facilities owned by such governmental unit.

''(E) Other transactions providing nondiscriminatory open access transmission or distribution services under Federal, State, or local open access, retail competition, or similar programs, to the extent provided in regulations prescribed by the Secretary.

''(3) PERMITTED SALES TRANSACTION.—For purposes of this subsection, the term 'permitted sales transaction' means any of the following sales of electric energy from existing generation facilities (as defined in subsection (a)(4)(A)):

''(A) The sale of electricity to an on-system purchaser, if the seller provides open access distribution service under paragraph (2)(C) and, in the case of a seller which owns or operates transmission facilities, if such seller provides open access transmission under subparagraph (A), (B), or (E) of paragraph (2).

''(B) The sale of electricity to a wholesale native load purchaser or in a wholesale stranded cost mitigation sale—

''(i) if the seller provides open access transmission service described in subparagraph (A), (B), or (E) of paragraph (2), or

''(ii) if the seller owns or operates no transmission facilities and transmission providers to the seller's wholesale native load purchasers provide open access transmission service described in subparagraph (A), (B), or (E) of paragraph (2).

''(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

''(A) ON-SYSTEM PURCHASER.—The term 'on-system purchaser' means a person whose electric facilities or equipment are directly connected with transmission or distribution facilities which are owned by a governmental unit, and such person—

''(i) purchases electric energy from such governmental unit at retail and either was within such unit's distribution area in the base year or is a person as to whom the governmental unit has a service obligation, or

''(ii) is a wholesale native load purchaser from such governmental unit.

''(B) WHOLESALE NATIVE LOAD PURCHASER.—The term 'wholesale native load purchaser' means a wholesale purchaser as to whom the governmental unit had—

''(i) a service obligation at wholesale in the base year, or

''(ii) an obligation in the base year under a requirements contract, or under a firm sales contract which has been in effect for (or has an initial term of) at least 10 years,

but only to the extent that in either case such purchaser resells the electricity at retail to persons within the purchaser's distribution area.

''(C) WHOLESALE STRANDED COST MITIGATION SALE.—The term 'wholesale stranded cost mitigation sale' means 1 or more wholesale sales made in accordance with the following requirements:

''(i) A governmental unit's allowable sales under this subparagraph during the recovery period may not exceed the sum of its annual load losses for each year of the recovery period.

''(ii) The governmental unit's annual load loss for each year of the recovery period is the amount (if any) by which—

''(I) sales in the base year to wholesale native load purchasers which do not constitute a private business use, exceed

''(II) sales during that year of the recovery period to wholesale native load purchasers which do not constitute a private business use.

''(iii) If actual sales under this subparagraph during the recovery period are less than allowable sales under clause (i), the amount not sold (but not more than 10 percent of the aggregate allowable sales under clause (i)) may be carried over and sold as wholesale stranded cost mitigation sales in the calendar year following the recovery period.

''(D) RECOVERY PERIOD.—The recovery period is the 7-year period beginning with the start-up year.

''(E) START-UP YEAR.—The start-up year is whichever of the following calendar years the governmental unit elects:

''(i) The year the governmental unit first offers open transmission access.

''(ii) The first year in which at least 10 percent of the governmental unit's wholesale customers' aggregate retail native load is open to retail competition.

''(iii) The calendar year which includes the date of the enactment of this section, if later than the year described in clause (i) or (ii).

''(F) PERMITTED SALES TRANSACTIONS UNDER EXISTING CONTRACTS.—A sale to a wholesale native load purchaser (other than a person to whom the governmental unit had a service obligation) under a contract which resulted in private business use in the base year shall be treated as a permitted sales transaction only to the extent that sales under the contract exceed the lesser of—

''(i) in any year, the private business use which resulted during the base year, or

''(ii) the maximum amount of private business use which could occur (absent the enactment of this section) without causing the bonds to be private activity bonds.

This subparagraph shall only apply to the extent that the sale is allocable to bonds issued before the date of the enactment of this section (or bonds issued to refund such bonds).

''(G) JOINT ACTION AGENCIES.—A joint action agency, or a member of (or a wholesale native load purchaser from) a joint action agency, which is entitled to make a sale described in subparagraph (A) or (B) in a year, may transfer the entitlement to make that sale to the member (or purchaser), or the joint action agency, respectively.

''(c) CERTAIN BONDS FOR TRANSMISSION AND DISTRIBUTION FACILITIES NOT TAX EXEMPT.—

''(1) GENERAL RULE.—For purposes of this title, no bond the interest on which is exempt from taxation under section 103 may be issued on or after the date of the enactment of this subsection if any of the proceeds of such issue are used to finance—

''(A) any transmission facility which is not a local transmission facility, or

''(B) a start-up utility distribution facility.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any qualified bond (as defined in section 141(e)),

''(B) any eligible refunding bond (as defined in subsection (d)(6)), or

''(C) any bond issued to finance—

''(i) any repair of a transmission facility in service on the date of the enactment of this section, so long as the repair does not increase the voltage level over its level in the base year or increase the thermal load limit of the transmission facility by more than 3 percent over such limit in the base year,

''(ii) any qualifying upgrade of a transmission facility in service on the date of the enactment of this section, or

''(iii) a transmission facility necessary to comply with an obligation under a shared or reciprocal transmission agreement in effect on the date of the enactment of this section.

''(3) LOCAL TRANSMISSION FACILITY DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) LOCAL TRANSMISSION FACILITY.—The term 'local transmission facility' means a transmission facility which is located within the governmental unit's distribution area or which is, or will be, necessary to supply electricity to serve retail native load or wholesale native load of 1 or more governmental units. For purposes of this subparagraph, the distribution area of a public power authority which was created in 1931 by a State statute and which, as of January 1, 1999, owned at least one-third of the transmission circuit miles rated at 230kV or greater in the State, shall be determined under regulations of the Secretary.

''(B) RETAIL NATIVE LOAD.—The term 'retail native load' is the electric load of end-users served by distribution facilities owned by a governmental unit.

''(C) WHOLESALE NATIVE LOAD.—The term 'wholesale native load' is—

''(i) the retail native load of a governmental unit's wholesale native load purchasers, and

''(ii) the electric load of purchasers (not described in clause (i)) under wholesale requirements contracts which—

''(I) do not constitute private business use under the rules in effect absent this subsection, and

''(II) were in effect in the base year.

''(D) NECESSARY TO SERVE LOAD.—For purposes of determining whether a transmission or distribution facility is, or will be, necessary to supply electricity to retail native load or wholesale native load—

''(i) electric reliability standards or requirements of national or regional reliability organizations, regional transmission organizations, and the Electric Reliability Council of Texas shall be taken into account, and

''(ii) transmission, siting, and construction decisions of regional transmission organizations or independent system operators and State and Federal agencies shall be presumptive evidence regarding whether transmission facilities are necessary to serve native load.

''(E) QUALIFYING UPGRADE.—The term 'qualifying upgrade' means an improvement or addition to transmission facilities in service on the date of the enactment of this section which is ordered or approved by a regional transmission organization, by an independent system operator, or by a State regulatory or siting agency.

''(4) START-UP UTILITY DISTRIBUTION FACILITY DEFINED.—For purposes of this subsection, the term 'start-up utility distribution facility' means any distribution facility to provide electric service to the public that is placed in service—

''(A) by a governmental unit which did not operate an electric utility on the date of the enactment of this section, and

''(B) before the date on which such governmental unit operates in a qualified service area (as such term is defined in section 141(d)(3)(B)).

A governmental unit is deemed to have operated an electric utility on the date of the enactment of this section if it operates electric output facilities which were operated by another governmental unit to provide electric service to the public on such date.

''(d) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

''(1) BASE YEAR.—The term 'base year' means the calendar year which includes the date of the enactment of this section or, at the election of the governmental unit, either of the 2 immediately preceding calendar years.

''(2) DISTRIBUTION AREA.—The term 'distribution area' means the area in which a governmental unit owns distribution facilities.

''(3) ELECTRIC OUTPUT FACILITY.—The term 'electric output facility' means an output facility that is an electric generation, transmission, or distribution facility.

''(4) DISTRIBUTION FACILITY.—The term 'distribution facility' means an electric output facility that is not a generation or transmission facility.

''(5) TRANSMISSION FACILITY.—The term 'transmission facility' means an electric output facility (other than a generation facility) that operates at an electric voltage of 69kV or greater, except that the owner of the facility may elect to treat any output facility that is a transmission facility for purposes of the Federal Power Act as a transmission facility for purposes of this section.

''(6) ELIGIBLE REFUNDING BOND.—The term 'eligible refunding bond' means any State or local bond issued after an election described in subsection (a) that directly or indirectly refunds any tax-exempt bond (other than a qualified bond) issued before such election, if the weighted average maturity of the issue of which the refunding bond is a part does not exceed the remaining weighted average maturity of the bonds issued before the election. In applying such term for purposes of subsection (c)(2)(B), the date of election shall be deemed to be the date of the enactment of this section.

''(7) FERC.—The term 'FERC' means the Federal Energy Regulatory Commission.

''(8) GOVERNMENT-OWNED FACILITY.—An electric output facility shall be treated as owned by a governmental unit if it is an electric output facility that either is—

''(A) owned or leased by such governmental unit, or

''(B) a transmission facility in which the governmental unit acquired before the base year long-term firm capacity for the purposes of serving customers to which the unit had at that time either—

''(i) a service obligation, or

''(ii) an obligation under a requirements contract.

''(9) REPAIR.—The term 'repair' shall include replacement of components of an electric output facility, but shall not include replacement of the facility.

''(10) SERVICE OBLIGATION.—The term 'service obligation' means an obligation under State or Federal law (exclusive of an obligation arising solely from a contract entered into with a person) to provide electric distribution services or electric sales service, as provided in such law.

''(e) SAVINGS CLAUSE.—Subsection (b) shall not affect the applicability of section 141 to (or the Secretary's authority to prescribe, amend, or rescind regulations respecting) any transaction which is not a permitted open access transaction or permitted sales transaction.''.

(b) REPEAL OF EXCEPTION FOR CERTAIN NONGOVERNMENTAL ELECTRIC OUTPUT FACILITIES.—Section 141(d)(5) of the Internal Revenue Code of 1986 is amended by inserting ''(except in the case of an electric output facility which is a distribution facility),'' after ''this subsection''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 141 the following new item:

Sec. 141A. Electric output facilities.

(d) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that a governmental unit may elect to apply paragraphs (1) and (2) of section 141A(b), as added by subsection (a), with respect to permitted open access activities entered into on or after April 14, 1996.

(2) CERTAIN EXISTING AGREEMENTS.—The amendment made by subsection (b) (relating to repeal of the exception for certain nongovernmental output facilities) does not apply to any acquisition of facilities made pursuant to an agreement that was entered into before the date of the enactment of this Act.

(3) APPLICABILITY.—References in this Act to sections of the Internal Revenue Code of 1986, shall be deemed to include references to comparable sections of the Internal Revenue Code of 1954.

**SEC. 3. INDEPENDENT TRANSMISSION COMPANIES.**

(a) SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

''(1) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this subsection to a qualifying electric transmission transaction and the proceeds received from such transaction are invested in exempt utility property, such transaction shall be treated as an involuntary conversion to which this section applies.

''(2) EXTENSION OF REPLACEMENT PERIOD.—In the case of any involuntary conversion described in paragraph (1), subsection (a)(2)(B) shall be applied by substituting '4 years' for '2 years' in clause (i) thereof.

''(3) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—For purposes of this subsection, the term 'qualifying electric transmission transaction' means any sale or other disposition of property used in the trade or business of electric transmission, or an ownership interest in a person whose primary trade or business consists of providing electric transmission services, to another person that is an independent transmission company.

''(4) INDEPENDENT TRANSMISSION COMPANY.—For purposes of this subsection, the term 'independent transmission company' means—

''(A) a regional transmission organization approved by the Federal Energy Regulatory Commission,

''(B) a person—

''(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 823b) is not a market participant within the meaning of such Commission's rules applicable to regional transmission organizations, and

''(ii) whose transmission facilities to which the election under this subsection applies are placed under the operational control of a Federal Energy Regulatory Commission-approved regional transmission organization within the period specified in such order, but not later than the close of the replacement period, or

''(C) in the case of facilities subject to the exclusive jurisdiction of the Public Utility Commission of Texas, a person which is approved by that Commission as consistent with Texas State law regarding an independent transmission organization.

''(5) EXEMPT UTILITY PROPERTY.—For purposes of this subsection, the term 'exempt utility property' means—

''(A) property used in the trade or business of generating, transmitting, distributing, or selling electricity or producing, transmitting, distributing, or selling natural gas, or

''(B) stock in a person whose primary trade or business consists of generating, transmitting, distributing, or selling electricity or producing, transmitting, distributing, or selling natural gas.

''(6) SPECIAL RULES FOR CONSOLIDATED GROUPS.—

''(A) INVESTMENT BY QUALIFYING GROUP MEMBERS.—

''(i) IN GENERAL.—This subsection shall apply to a qualifying electric transmission transaction engaged in by a taxpayer if the proceeds are invested in exempt utility property by a qualifying group member.

''(ii) QUALIFYING GROUP MEMBER.—For purposes of this subparagraph, the term 'qualifying group member' means any member of a consolidated group within the meaning of section 1502 and the regulations promulgated thereunder of which the taxpayer is also a member.

''(B) COORDINATION WITH CONSOLIDATED RETURN PROVISIONS.—A sale or other disposition of electric transmission property or an ownership interest in a qualifying electric transmission transaction, where an election is made under this subsection, shall not result in the recognition of income or gain under the consolidated return provisions of subchapter A of chapter 6. The Secretary shall prescribe such regulations as may be necessary to provide for the treatment of any exempt utility property received in a qualifying electric transmission transaction as successor assets subject to the application of such consolidated return provisions.

''(7) ELECTION.—Any election made by a taxpayer under this subsection shall be made by a statement to that effect in the return for the taxable year in which the qualifying electric transmission transaction takes

place in such form and manner as the Secretary shall prescribe, and such election shall be binding for that taxable year and all subsequent taxable years.''.

(2) SAVINGS CLAUSE.—Nothing in section 1033(k) of the Internal Revenue Code of 1986, as added by subsection (a), shall affect Federal or State regulatory policy respecting the extent to which any acquisition premium paid in connection with the purchase of an asset in a qualifying electric transmission transaction can be recovered in rates.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to transactions occurring after the date of the enactment of this Act.

(b) DISTRIBUTIONS OF STOCK TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.

(1) IN GENERAL.—Section 355(e)(4) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) DISTRIBUTIONS OF STOCK TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

''(i) IN GENERAL.—Paragraph (1) shall not apply to any distribution that is a qualifying electric transmission transaction. For purposes of this subparagraph, a 'qualifying electric transmission transaction' means any distribution of stock in a corporation whose primary trade or business consists of providing electric transmission services, where such stock is later acquired (or where the assets of such corporation are later acquired) by another person that is an independent transmission company.

''(ii) INDEPENDENT TRANSMISSION COMPANY.—For purposes of this subsection, the term 'independent transmission company' means—

''(I) a regional transmission organization approved by the Federal Energy Regulatory Commission,

''(II) a person who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) is not a market participant within the meaning of such Commission's rules applicable to regional transmission organizations, and whose transmission facilities transferred as a part of such qualifying electric transmission transaction are placed under the operational control of a Federal Energy Regulatory Commission-approved regional transmission organization within the period specified in such order, but not later than the close of the replacement period (as defined in section 1033(k)(2)), or

''(III) in the case of facilities subject to the exclusive jurisdiction of the Public Utility Commission of Texas, a person that is approved by that Commission as consistent with Texas State law regarding an independent transmission organization.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions occurring after the date of the enactment of this Act.

**SEC. 4. CERTAIN AMOUNTS RECEIVED BY ELECTRIC UTILITIES EXCLUDED FROM GROSS INCOME AS CONTRIBUTIONS TO CAPITAL.**

(a) IN GENERAL.—Subsection (c) of section 118 of the Internal Revenue Code of 1986 (relating to contributions to the capital of a corporation) is amended—

(1) by striking ''WATER AND SEWAGE DISPOSAL'' in the heading and inserting ''CERTAIN'',

(2) by striking ''water or,'' in the matter preceding subparagraph (A) of paragraph (1) and inserting ''electric energy, water, or'',

(3) by striking ''water or'' in paragraph (1)(B) and inserting ''electric energy (but not including assets used in the generation of electricity), water, or'',

(4) by striking ''water or'' in paragraph (2)(A)(ii) and inserting ''electric energy (but not including assets used in the generation of electricity), water, or'',

(5) by inserting ''such term shall include amounts paid as customer connection fees (including amounts paid to connect the customer's line to an electric line or a main water or sewer line) and'' after ''except that'' in paragraph (3)(A), and

(6) by striking ''water or'' in paragraph (3)(C) and inserting ''electric energy, water, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

**SEC. 5. TAX TREATMENT OF NUCLEAR DECOMMISSIONING FUNDS.**

(a) INCREASE IN AMOUNT PERMITTED TO BE PAID INTO NUCLEAR DECOMMISSIONING RESERVE FUND.—Subsection (b) of section 468A of the Internal Revenue Code of 1986 (relating to special rules for nuclear decommissioning costs) is amended to read as follows:

''(b) LIMITATION ON AMOUNTS PAID INTO FUND.—

''(1) IN GENERAL.—The amount which a taxpayer may pay into the Fund for any taxable year during the funding period shall not exceed the level funding amount determined pursuant to subsection (d), except—

''(A) where the taxpayer is permitted by Federal or State law or regulation (including authorization by a public service commission) to charge customers a greater amount for nuclear decommissioning costs, in which case the taxpayer may pay into the Fund such greater amount, or

''(B) in connection with the transfer of a nuclear powerplant, where the transferor or transferee (or both) is required pursuant to the terms of the transfer to contribute a greater amount for nuclear decommissioning costs, in which case the transferor or transferee (or both) may pay into the Fund such greater amount.

''(2) CONTRIBUTIONS AFTER FUNDING PERIOD.—Notwithstanding any other provision of this section, a taxpayer may make deductible payments to the Fund in any taxable year between the end of the funding period and the termination of the license issued by the Nuclear Regulatory Commission for the nuclear powerplant to which the Fund relates provided such payments do not cause the assets of the Fund to exceed the nuclear decommissioning costs allocable to the taxpayer's current or former interest in the nuclear powerplant to which the Fund relates. The foregoing limitation shall be applied by taking into account a reasonable rate of inflation for the nuclear decommissioning costs and a reasonable after-tax rate of return on the assets of the Fund until such assets are anticipated to be expended.''.

(b) DEDUCTION FOR NUCLEAR DECOMMISSIONING COSTS WHEN PAID.— Paragraph (2) of section 468A(c) of the Internal Revenue Code of 1986 (relating to income and deductions of the taxpayer) is amended to read as follows:

''(2) DEDUCTION OF NUCLEAR DECOMMISSIONING COSTS.—In addition to any deduction under subsection (a), nuclear decommissioning costs paid or incurred by the taxpayer during any taxable year shall constitute ordinary and necessary expenses in carrying on a trade or business under section 162.''.

(c) LEVEL FUNDING AMOUNTS.—Subsection (d) of section 468A of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) LEVEL FUNDING AMOUNTS.—

''(1) ANNUAL AMOUNTS.—For purposes of this section, the level funding amount for any taxable year shall equal the annual amount required to be contributed to the Fund in each year remaining in the funding period in order for the Fund to accumulate the nuclear decommissioning costs allocable to the taxpayer's current or former interest in the nuclear powerplant to which the Fund relates. The annual amount described in the preceding sentence shall be calculated by taking into account a reasonable rate of inflation for the nuclear decommissioning costs and a reasonable after-tax rate of return on the assets of the Fund until such assets are anticipated to be expended.

''(2) FUNDING PERIOD.—The funding period for a Fund shall end on the last day of the last taxable year of the expected operating life of the nuclear powerplant.

''(3) NUCLEAR DECOMMISSIONING COSTS.—For purposes of this section—

''(A) IN GENERAL.—The term 'nuclear decommissioning costs' means all costs to be incurred in connection with entombing, decontaminating, dismantling, removing, and disposing of a nuclear powerplant, and shall include all associated preparation, security, fuel storage, and radiation monitoring costs. Such term shall include all such costs which, outside of the decommissioning context, might otherwise be capital expenditures.

''(B) IDENTIFICATION OF COSTS.—The taxpayer may identify nuclear decommissioning costs by reference either to a site-specific engineering study or to the financial assurance amount calculated pursuant to section 50.75 of title 10 of the Code of Federal Regulations.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after June 30, 2000, in taxable years ending after such date.

---

By Mr. ALLARD:

S. 2968. A bill to empower communities and individuals by consolidating and reforming the programs of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

LOCAL HOUSING OPPORTUNITIES ACT

Mr. ALLARD. Mr. President, today I am introducing the ''Local Housing Opportunities Act'', legislation to empower communities and individuals by consolidating and reforming HUD programs. I ask unanimous consent that the following section-by-section description of the bill be printed in the RECORD and that the text of the bill be printed in the RECORD following the description.

In 1994, there were 240 separate programs at the Department of Housing and Urban Development (HUD). By 1997, the number of programs had grown to 328. Many of these programs have never been authorized by Congress, and operate under questionable legal authority. While the number of HUD programs has grown, HUD's workforce has declined from 12,000 employees in 1995 to 9,000 employees today. As a result, scarce resources are diverted away from core housing and enforcement programs, dramatically increasing the risks of mismanagement and fraud. HUD remains the only Cabinet level agency designated by the General Accounting Office (GAO) as ''High Risk''. In order to promote the interests of taxpayers and improve the delivery of services to beneficiaries, Congress should transfer more programs to

the States and localities and enact legislation to consolidate, terminate, and streamline HUD programs.

SECTION-BY-SECTION DESCRIPTION

I. Prohibition of Unauthorized Programs at the Department of Housing and Urban Development—Prohibits HUD from carrying out any program that is not explicitly authorized in statute by the Congress. This provision takes effect one year after the effective date to give the Congress sufficient time to authorize those programs that it wishes to maintain. Within 60 days of the date of enactment the Department of Housing and Urban Development shall provide a report detailing every HUD program along with the statutory authorization for that program. This report shall be provided annually to the Senate Committee on Banking, Housing and Urban Affairs, the Senate Subcommittee on Housing and Transportation, the House Committee on Banking and Financial Services, and the House Subcommittee on Housing and Community Opportunity.

II. Elimination of Certain HUD Programs—Terminates certain programs as recommended by the HUD Secretary in the ''HUD 2020 Program Repeal and Streamlining Act''. The Department has determined that these programs are unnecessary, outdated, or inactive.

Community Investment Corporation Demonstration—never funded, superseded by the Community Development Financial Institutions program administered by the Department of the Treasury.

New Towns Demonstration Program for Emergency Relief of Los Angeles—not funded since FY 1993.

Solar Assistance Financing Entity—not funded in recent years.

Urban Development Action Grants—discontinued program, not funded in recent years.

Certain Special Purpose Grants—not funded since FY 1993 and FY 1995.

Moderate Rehabilitation Assistance in Disasters—no additional assistance for the Moderate Rehabilitation program has been provided (other than for the homeless under the McKinney Act) since FY 1989.

Rent Supplement Program—not funded for many years.

National Home Ownership Trust Demonstration—authority expired at the end of FY 1994.

Repeal of HOPE I, II, and III—all HOPE funds have been awarded, no additional funding has been requested since FY 1995, and no future funding is anticipated.

Energy Efficiency Demonstration Program, section 961 of NAHA—never funded.

Technical Assistance and Training for IHAs—no funds have been provided for this program since FY 1994.

Termination of the investor mortgages portion of the Section 203(k) rehabilitation mortgage insurance program as recommended by the HUD IG. Investor rehabilitation mortgages constitute approximately 20% of the loans insured under this program, and recent IG audits have found this portion of the program to be particularly vulnerable to fraud and abuse by investor-owners. The larger portion of the program for owner/occupants is retained.

Certificate and Voucher Assistance for Rental Rehabilitation Projects—rental rehabilitation program has been repealed, section 289 of NAHA.

Single Family Loan Insurance for Home Improvement Loans in Urban Renewal Areas—unnecessary.

Single Family and Multifamily Mortgage Insurance for Miscellaneous Special Situations, section 223 (a)(1)–(6) and (8)—obsolete.

Single Family Mortgage Insurance for so-called ''Modified'' Graduated Payment Mortgages, section 245 (b)—insurance authority terminated in 1987 but provision never repealed.

War Housing Insurance—authority for new insurance terminated in 1954, but provision never repealed.

Insurance for Investments (Yield Insurance)—program never implemented, but authority and provision never repealed.

National Defense Housing—authority for new insurance terminated in 1954, but provision never repealed.

Rural Homeless Housing Assistance—not funded since FY 1994, all HUD homeless assistance will be part of the McKinney Homeless Assistance Performance Fund created under this legislation.

Innovative Homeless Initiatives Demonstration—not funded since FY 1995, all HUD homeless assistance will be part of the McKinney Homeless Assistance Performance Fund created under this legislation.

During the remainder of 2000, the Senate Housing and Transportation Subcommittee will hold hearings on this discussion draft. At that time the Subcommittee will solicit the recommendations of the Department, the IG, the GAO, and other organizations for other HUD programs that can be streamlined or eliminated. This legislation also provides for the creation of a ''HUD Consolidation Task Force'' which will report to the Congress with recommendations on how to reduce the number of programs at HUD through consolidation, termination, or transfer to other levels of government.

III. HUD Consolidation Task Force—Mandates the creation of a task force that will focus exclusively on legislative and regulatory options to reduce the number of HUD programs. The task force will consist of three individuals: the Comptroller General of the United States, the HUD Secretary, and the HUD Inspector General. Within six months of the enactment of this legislation, the task force will produce a report outlining options to reduce the number of HUD programs through consolidation, elimination, and transfer to other levels of government. The report will be provided to the Senate and House Housing Subcommittees as well as the Senate and House Banking Committees.

I. Community Development Block Grant Authorization (CDBG) and Prohibition of Set-Asides and Earmarks—Restores local control over the CDBG program by prohibiting Congressional set-asides and earmarks not specifically authorized in statute. The original intent of CDBG was that program dollars would be allocated directly to cities and states according to formula. In FY 1999 over 10 percent of the funds were earmarked for specific projects (the earmarks have increased steadily in recent years). CDBG was last authorized in 1994, this legislation would authorize the program through FY 2005, with an initial authorization of $4,850,000,000 in FY 2001.

II. Community Notification of Opt-Outs—Requires that when HUD receives notice of a Section 8 opt-out that it forward that notice within 10 days to the top elected official for the unit of local government where the property is located. This supplements the requirement in Section 8 (c)(8)(A) of the Housing Act of 1937 that HUD and tenants be notified one year in advance if a Section 8 opt-out is anticipated.

III. Urban Homestead Requirement—Directs that HUD-held properties that have not been disposed of within six months following acquisition by HUD or a determination that they are substandard or unoccupied, shall be made available upon written request for sale or donation to local governments or Community Development Corporations (CDCs).

IV. Permanent ''Moving To Work'' Authorization—Continues the deregulation of Public Housing Authorities (PHAs) by opening the ''Moving To Work'' program to all PHAs. This program was authorized as a demonstration in the 1996 VA/HUD Appropriation bill and granted up to 30 PHAs the option to receive HUD funds as a block grant. The program provides autonomy from HUD micromanagement and the freedom to innovate with reforms such as work requirements, time limits, job training, and Home ownership assistance. The Secretary shall approve an application under this program for all but the lowest performing PHAs unless the Secretary makes a written determination, within 60 days after receiving the application, that the application fails to comply with the statutory provisions authorizing the ''Moving to Work'' program.

Consolidate HUD Homeless Assistance Funds into the ''McKinney Homeless Assistance Performance Fund''—Combines HUD's McKinney programs (Supportive Housing Program, Shelter Plus Care, Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings, Safe Havens, Rural Homeless Housing Assistance, and the Emergency Shelter Grants), into a single McKinney Homeless Assistance Performance Fund ( and authorizes funding through FY 2003, at an initial level of $1,050,000,000 in FY 2001). Distributes funds according to the CDBG block grant formula with 70 percent to units of local government and 30 percent to states.

Eligible units of local government include metropolitan cities, urban counties, and consortia. The formula is to be reviewed after one year with a statutory requirement that HUD provide alternative formulas for the Congress to consider. State funds are available for use in areas throughout the entire state. Codifies and requires a Continuum of Care system by grant recipients. The Continuum of Care submission is linked with the Consolidated Plan. Every three dollars of federal block grant money is to be matched with one dollar of state or local money. Funds qualifying for the match are the same as those currently permitted under the Emergency Shelter Grants program, and would include salaries paid to staff, volunteer labor, and the value of a lease on a building. There is a five year transition period—state and local governments would receive no less than 90 percent of prior award amounts (average for FY 96–99) in the first year after enactment, 85 percent in the second year after enactment, 80 percent in the third and fourth year after enactment, and 75 percent in the fifth year after enactment. Eligible projects and activities include emergency assistance, safe haven housing, transitional housing, permanent housing, supportive services for persons with disabilities, single room occupancy housing, prevention, outreach and assessment, acquisition and rehabilitation of property, new construction, operating costs, leasing, tenant assistance, supportive services, administrative (generally limited to 10 percent of funds), capacity building, targeting to subpopulations of persons with disabilities. Performance measures and benchmarks are included, along with periodic performance reports, reviews, and audits.

I. Mutual and Self-Help Housing Technical Assistance and Training Grants Program—Reauthorizes technical assistance grants to facilitate the construction of self-help housing in rural areas. Program beneficiaries are required to contribute a significant amount of sweat equity to the construction of the homes that they will own. Authorizes funding of $40 million for FY 2001 and 2002, and $45 million for FY 2003–2005.

II. Improve the Rural Housing Repair Loan Program for the Elderly—Increases the amount for which a promissory note is considered a sufficient security for housing repairs from $2,500 to $7,500.

III. Enhance Efficiency of Rural Housing Preservation Grants—Eliminates the existing statutory requirement that prohibits a State from obligating more than 50 percent of its Housing Preservation Grants allocation to any one grantee. Many states receive only a small amount from this formula program. In many cases the money can only be most effectively invested in one project.

IV. Project Accounting Records and Practices—Requires section 515 rural housing borrowers to maintain records in accordance with GAAP (Generally Accepted Accounting Principles).

V. Operating Assistance for Migrant Farmworker Projects Authority—Permits rural housing operating assistance payments in migrant and seasonal farm labor housing complexes.

I. Authorization of Appropriations for Rental Vouchers for Relocation of Witnesses and Victims of Crime—Authorizes specific funding for vouchers for victims and witnesses of crime. These vouchers were authorized in the Quality Housing and Work Responsibility Act of 1998 (QHWRA). No funds have yet been appropriated and HUD has yet to write regulations. The current authorization directs the Secretary to make available such sums as may be necessary for the relocation of families residing in public housing who are victims of a crime of violence reported to an appropriate law enforcement authority, and requires that PHAs notify tenants of the availability of such funds. This legislation would authorize a funding level in each of FY 2001–2005 of $25,000,000.

II. Revise the HUD Lease Addendum—Prohibits the HUD lease addendum from overriding local law. Participating housing providers and residents sign a three-party lease along with the public housing authority. The law requires the attachment of a HUD Lease Addendum (HUD Form 52647.3) which overrides some local market provisions and practices, holding the voucher resident to a nonstandard lease contract. The use of federally promulgated forms that counter local practice incurs additional training, legal and management costs. The voucher lease addendum shall be nullified to the extent that it conflicts with State or local law.

III. Reduce the Burden of Housing Quality Standard Inspections—Provides the option that Housing Quality Standard inspections be conducted on a property basis rather than a unit basis. Currently each individual unit that is rented under the program must be inspected for compliance with HUD's Housing Quality Standards. Individual inspections are a time-consuming administrative headache for PHAs and Section 8 landlords, result in slow unit turnover, and significant lost revenue. This legislation provides the Section 8 landlord with the option to have annual inspections conducted on a property or building basis, rather than a unit basis.

IV. HUD Report to the Congress on Ways to Improve the Voucher Program—Requires that the HUD Secretary solicit comments and recommendations for improvement in the voucher program through notice in the Federal Register. Six months after enactment, the Secretary shall submit to the House and Senate Housing Subcommittees and the House and Senate Banking Committees a summary of the recommendations received by the Secretary regarding suggestions for improvement in the voucher program.

I. Reauthorize the Self-Help Homeownership Opportunity Program (SHOP)—Reauthorizes the SHOP program which provides funding for land and infrastructure purchases to facilitate self-help housing. Utilized by Habitat for Humanity and the Housing Assistance Council. Reauthorize through FY 2005, beginning with $25 million in FY 2001. Adds new language allowing an additional year to use funds for local groups building five or more homes (increase from two years to three years), and also making it possible for local and national non-profit organizations using SHOP funds to advance their own money to purchase property, pending the environmental review approvals, to be repaid from federal funds after the environmental reviews have been approved.

II. Capacity Building for Community Development and Affordable Housing Program—Reauthorizes and increases grants to non-profits to expand affordable housing capacity. Presently authorized for The Enterprise Foundation, Local Initiatives Support Corporation, Habitat for Humanity, Youthbuild USA, and the National Community Development Initiative. Expands access to this program to include the ''National Association of Housing Partnerships'' and authorizes a funding level of $40 million for each of FY 2001–2003. Amounts must be matched three to one from other sources.

III. Work Requirement for Public Housing Residents: Coordinate Federal Housing Assistance with State Welfare Reform Work Programs—Requires that able-bodied and non-elderly public housing residents be in compliance with the work requirements of welfare reform in their state. Those unable to comply would be provided the opportunity to engage in community service or participate in an economic self-sufficiency program. There is substantial overlap in families receiving welfare and those benefitting from assisted housing. Among families with children, it is estimated that 72 percent of those who live in public housing receive some type of welfare. These families are currently subject to Welfare Reform work requirements and this provision simply applies the requirement to the remaining able-bodied recipients of federal housing assistance. Public housing was originally conceived as temporary assistance for working low-income families to help them during times of financial distress. Recent housing legislation has recognized this fact by placing increasing emphasis on self-sufficiency. These efforts should be coordinated with the self sufficiency efforts of Welfare Reform. PHAs shall monitor compliance with the state work requirement. There shall be an exception for the elderly and disabled, and as with Welfare Reform, there will be a broad definition of work including; employment, community service, vocational and job training, work associated with self help housing construction, refurbishing publicly assisted housing, the provision of certain child care services, and participation in education programs or economic self-sufficiency programs. This work requirement will replace the 8 hour per month ''Community Service'' Requirement that exists in current law for residents of public housing. Public Housing Authorities shall not be prohibited by this legislation from implementing more stringent work requirements and States electing the housing assistance block grant would be excluded from this requirement and be free to design their own self-sufficiency requirements.

IV. Flexible Use of CDBG Funds to Maintain Properties—Amends Section 105(a)(23) of the Housing and Community Development Act, which currently authorizes use of CDBG funding for activities necessary to make essential repairs and payment of operating expenses needed to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily low- and moderate-income neighborhoods. This language is amended to permit the use of CDBG funds for property upkeep in instances in which a court has wrested effective control of a distressed residential property from the owner and appointed a responsible third party (often a non-profit organization or other owner/manager of properties in the area) to operate the property on an interim basis as administrator, although legal title remains with the original owner.

IV. Allows Vouchers in Grandfamily Housing Assisted with HOME Dollars—Permits flexible use of Section 8 vouchers in Grandfamily Housing assisted with HOME dollars. Current law restricts the level of Section 8 assistance that may be used in projects assisted with HOME funds. This legislation creates an exception to the general rule for projects designed to benefit Grandfamilies, by permitting the use of Section 8 vouchers at the Fair Market Rent (FMR) level by Grandparents choosing to live in low income housing projects assisted with HOME dollars. This change is designed to assist low-income, elderly residents and their grandchildren for whom they provide full-time care and custody.

V. Simplified FHA Downpayment Calculation.—Makes permanent the temporary simplified FHA downpayment calculation provided in section 203(b) of the National Housing Act. The current downpayment calculation on FHA loans is needlessly complex. Recent appropriations bills have included a simplified pilot program that replaces the current multi-part formula with a single calculation based solely on the appraised value of the property. The simplified formula yields substantially the same downpayment result as the multi-part formula.

VI. Authorize the Use of Section 8 Funds for Downpayment Assistance—Permits tenants to receive up to one year's worth of Section 8 assistance in a lump sum to be used toward the down payment on a home. This compliments innovative programs that allow the use of Section 8 assistance for mortgage payments.

VII. Reauthorize the Neighborhood Reinvestment Corporation through 2003—Reauthorizes the Neighborhood Reinvestment Corporation, a congressionally chartered, public non-profit corporation established in 1978 to revitalize declining lower-income communities and provide affordable housing. Funding is authorized at $90 million in FY 2001, and $95 million in each of FY 2002 and 2003.

Provides States the option to receive certain federal assisted housing funds (tenant assistance programs) in the form of a block grant. Modeled on Welfare Reform, this would give States the freedom to innovate absent HUD micro-management. States accepted into the program would sign a five year performance agreement with the federal government that details how the State intends to combine and use housing assistance funds from programs included in the performance agreement to advance low income housing priorities, improve the quality of low income housing, reduce homelessness, and encourage economic opportunity and self-sufficiency. States electing the block grant would determine how funds are distributed to state agencies, Public Housing Authorities, project owners, and tenants. During the first year of the performance agreement States would receive the highest of the prior three years funding for each program included in the performance agreement. There would then be an annual inflation adjustment in each future year until Congress (following consultation with HUD) enacts a formula that reflects the relative low-income/affordable housing needs of each State. A performance agreement submitted to the Secretary would have to be approved by the Secretary unless the Secretary makes a written determination, within 60 days after

receiving the performance agreement, that the performance agreement fails to comply with provisions of the Act. Eligible programs for inclusion in the block grant shall include: the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937; the programs for project-based assistance under section 8 of the United States Housing Act of 1937; the program for housing for the elderly under section 202 of the Housing Act of 1959; the program for housing for persons with disabilities under section 811 of the Cranston-Gonzales National Affordable Housing Act. The distribution of block granted funds within the State from programs included in the performance agreement shall be determined by the Legislature and the Governor of the State. In a State in which the constitution or state law designates another individual, entity, or agency to be responsible for housing, such other individual, entity, or agency shall work in consultation with the Governor and Legislature to determine the local distribution of funds. Existing contracts involving federal housing dollars shall be honored by the States until their expiration. States shall at such point handle the renewal of all contracts. A State may not use more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes. Performance criteria shall include at a minimum a measure of; the improvement in housing conditions, the number of units that pass housing quality inspections, the number of residents that find employment and move to self-sufficiency, the level of crime against residents, the level of homelessness, the level of poverty, the cost of assisted housing units provided, the level of assistance provided to people with disabilities and to the elderly, success in maintaining the stock of affordable housing, and increasing homeownership. If at the end of the 5-year term of the performance agreement a State has failed to meet at least 80 percent of the performance goals submitted in the performance agreement, the Secretary shall terminate the performance agreement and the State or community shall be required to comply with the program requirement, in effect at the time of termination, of each program included in the performance agreement. To reward States that make significant progress in meeting performance goals, the HUD Secretary shall annually set aside sufficient funds to grant a reward of up to 5 percent of the funds allocated to participating States.

Sense of the Congress Supporting Tax Incentives

SENSE OF THE CONGRESS THAT THE LOW INCOME HOUSING TAX CREDIT STATE CEILINGS AND THE PRIVATE ACTIVITY BOND CAPS SHOULD BE INCREASED

It is the sense of the Congress that the Low Income Housing Tax Credit and Private Activity Bonds have been valuable resources in the effort to increase affordable housing.

It is the sense of the Congress that the Low Income Housing Tax Credit and Private Activity Bonds effectively utilize the ability of the states to deliver resources to the areas of greatest need within their jurisdictions.

It is the sense of the Congress that the value of the Low Income Housing Tax Credit and the Private Activity Bonds have been eroded by inflation.

*Therefore, be it resolved,* That the Low Income Housing Tax Credit State Ceilings should be increased by forty percent in the year 2000, and that the level of the state ceilings should be adjusted annually to account for increases in the cost-of-living, and

That the Private Activity Bond Caps should be increased by fifty percent in the year 2000, and that the value of the caps should be adjusted annually to account for increases in the cost-of-living.

I. Tighten Language on Lobbying Restrictions on HUD employees—Prohibits employees at HUD from lobbying, or attempting to influence legislation before the Congress. This language is based on current restrictions on Department of Interior employees. No federally appropriated funds may be used for any activity that in any way tends to promote public support or opposition to legislation, a nomination, or a treaty. The President, the Vice President and Senate confirmed agency officials are exempt from these provisions. However, these individuals may not delegate their authority to any other employees of the Department. Provides civil money penalties against non-exempt employees who independently violate the statute, and against exempt employees who have delegated their lobbying authority.

II. The Department of Housing and Urban Development shall promulgate regulations under the provisions of this Act within 6 months of the enactment of this Act.

---

S. 2968

*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 ''Local Housing Opportunities Act''.

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



**SEC. 2. DEFINITIONS.**

In this Act—

(1) the term ''Committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate and the Subcommittee on Housing and Transportation of that Committee; and

(B) the Committee on Banking and Financial Services of the House of Representatives and the Subcommittee on Housing and Community Opportunity of that Committee;

(2) the term ''Department'' means the Department of Housing and Urban Development; and

(3) the term ''Secretary'' means the Secretary of Housing and Urban Development.

**SEC. 3. EFFECTIVE DATE.**

Except as otherwise expressly provided in this Act or an amendment made by this Act, this Act and the amendments made by this Act shall take effect on October 1, 2001.

## TITLE I—PROGRAM CONSOLIDATION

**SEC. 101. PROHIBITION OF UNAUTHORIZED PROGRAMS AT THE DEPARTMENT.**

(a) IN GENERAL.—Beginning on the effective date of this Act, the Secretary may not carry out any program that is not explicitly authorized by Federal law.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committees a report, which shall include a detailed description of each program carried out by the Department, and the statutory authorization for that program or, if no explicit authorization exists, an explanation of the legal authority under which the program is being carried out.

**SEC. 102. ELIMINATION AND CONSOLIDATION OF HUD PROGRAMS.**

(a) COMMUNITY INVESTMENT CORPORATION DEMONSTRATION.—Section 853 of the Housing and Community Development Act of 1992 (42 U.S.C. 5305 note) is repealed.

(b) NEW TOWNS DEMONSTRATION PROGRAM FOR EMERGENCY RELIEF OF LOS ANGELES.—

Title XI of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is repealed.

(c) SOLAR ASSISTANCE FINANCING ENTITY.—Section 912 of the Housing and Community Development Act of 1992 (42 U.S.C. 5511a) is repealed.

(d) URBAN DEVELOPMENT ACTION GRANTS.—

(1) UDAG REPEAL.—Section 119 of the Housing and Community Development Act of 1974 (42 U.S.C. 5318) is repealed.

(2) CONFORMING AMENDMENTS.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(A) in section 104(d)(1), by striking ''or 119'' and ''or section 119'';

(B) in section 104(d)(2), by striking ''or 119'';

(C) in section 104(d)(2)(C), by striking ''or 119'';

(D) in section 107(e)(1), by striking '', section 106(a)(1), or section 119'' and inserting ''or section 106(a)(1),'';

(E) in section 107(e)(2), by striking ''section 106(a)(1), or section 119'' and inserting ''or section 106(a)(1)''; and

(F) in section 113(a)—

(i) in paragraph (2), by adding ''and'' at the end;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraph (4) as paragraph (3).

(e) SPECIAL PURPOSE GRANTS.—Section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307) is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraphs (C), (D), and (G);

(B) by redesignating subparagraphs (E), (F), (H), and (I) as subparagraphs (C), (D), (E), and (F), respectively; and

(C) in subparagraph (D) (as redesignated) by striking ''(6)'' and inserting ''(5)''; and

(2) in subsection (b)—

(A) in paragraph (4), by adding ''and'' at the end;

(B) by striking paragraphs (5) and (7);

(C) by redesignating paragraph (6) as paragraph (5); and

(D) in paragraph (5) (as redesignated) by striking ''; and'' and inserting a period.

(f) MODERATE REHABILITATION ASSISTANCE IN DISASTERS.—Section 932 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437c note) is repealed.

(g) RENT SUPPLEMENT PROGRAM.—

(1) REPEAL.—Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) is repealed.

(2) REFERENCES.—Any reference in any provision of law to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) shall be construed to refer to that section as in existence immediately before the effective date of this Act.

(h) NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION.—Subtitle A of title III of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851 et seq.) is repealed.

(i) HOPE PROGRAMS.—

(1) REPEAL OF HOPE I PROGRAM.—

(A) HOPE I PROGRAM REPEAL.—Title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq.) is repealed.

(B) CONFORMING AMENDMENTS.—

(i) UNITED STATES HOUSING ACT OF 1937.—Section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)) is amended—

(I) in paragraph (1), by striking ''(1) IN GENERAL.—''; and

(II) by striking paragraph (2).

(ii) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.—Section 213(e) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(e)) is amended by striking ''(b)(1)'' and inserting ''(b)''.

(2) REPEAL OF HOPE II AND III PROGRAMS.—

(A) HOPE II.—Subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12871 et seq.) is repealed.

(B) HOPE III.—

(i) IN GENERAL.—Subtitle C of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12891 et seq.) is repealed.

(ii) CLOSEOUT AUTHORITY.—Notwithstanding the repeal made by clause (i), the Secretary may continue to exercise the authority under sections 445(b), 445(c)(3), 445(c)(4), and 446(4) of title IV of the Cranston-Gonzalez National Affordable Housing Act (as amended by subparagraph (C) of this paragraph) after the effective date of this Act, to the extent necessary to terminate the programs under subtitle C of title IV of that Act.

(C) AMENDMENT OF HOPE III PROGRAM AUTHORITY FOR CLOSEOUT.—

(i) SALE AND RESALE PROCEEDS.—Section 445 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12895) is amended—

(I) in subsection (b), by striking ''costs'' and all that follows through ''expenses,'';

(II) in subsection (c)(3), by striking ''the Secretary or''; and

(III) in subsection (c)(4)—

(aa) in the first sentence, by striking ''Fifty percent of any'' and inserting ''Any''; and

(bb) by striking the second and third sentences.

(ii) ELIGIBILITY OF PRIVATE PROPERTY.—Section 446(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12896(4)) is amended to read as follows:

''(4) The term 'eligible property' means a single family property containing not more than 4 units (excluding public housing under the United States Housing Act of 1937, or Indian housing under the Native American Housing Assistance and Self-Determination Act of 1996).''.

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Title IV of the Cranston-Gonzalez National Affordable Housing Act is amended—

(i) by striking sections 401 and 402 (42 U.S.C. 1437aaa note; 12870);

(ii) in section 454(b)(2) (42 U.S.C. 12899c(b)(2)), by striking ''to be used for the purposes of providing homeownership under subtitle B and subtitle C of this title''; and

(iii) in section 455 (42 U.S.C. 12899d), by striking subsection (d) and redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

(B) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 7(r)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(r)(2)) is amended—

(i) in subparagraph (A), by striking ''titles I and II'' and inserting ''title I''; and

(ii) in subparagraph (K), by striking ''titles II, III, and IV'' and inserting ''title II''.

(j) ENERGY EFFICIENCY DEMONSTRATION.—Section 961 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12712 note) is repealed.

(k) TECHNICAL ASSISTANCE AND TRAINING FOR IHAS.—Section 917 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3882) is repealed.

(*l*) ELIMINATION OF INVESTOR-OWNERS UNDER THE SECTION 203(k) PROGRAM.—Section 203(g)(2) of the National Housing Act (12 U.S.C. 1709(g)(2)) is amended—

(1) in subparagraph (D), by adding ''or'' at the end;

(2) by striking subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(m) CERTIFICATE AND VOUCHER ASSISTANCE FOR RENTAL REHABILITATION PROJECTS.—Section 8(u) of the United States Housing Act of 1937 (42 U.S.C. 1437f(u)) is repealed.

(n) MORTGAGE AND LOAN INSURANCE PROGRAMS.—

(1) IN GENERAL.—Sections 220(h), 245(b), and titles VI, VII, and IX of the National Housing Act are repealed.

(2) ADDITIONAL AMENDMENTS.—The National Housing Act is amended—

(A) in section 1 (12 U.S.C. 1702), by striking ''VI, VII, VIII, IX'' each place it appears and inserting ''VIII,'';

(B) in section 203(k)(5) (12 U.S.C. 1709(k)(5)), by striking the second sentence; and

(C) in section 223 (12 U.S.C. 1715n)—

(i) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Notwithstanding any of the provisions of this Act and without regard to limitations upon eligibility contained in any section or title of this Act, other than the limitation in section 203(g), the Secretary is authorized upon application by the mortgagee, to insure or make commitments to insure under any section or title of this Act any mortgage—

''(1) given to refinance an existing mortgage insured under this Act, except that the principal amount of any such refinancing mortgage shall not exceed the original principal amount or the unexpired term of such existing mortgage and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee, except that—

''(A) the principal amount of any such refinancing mortgage may equal the outstanding balance of an existing mortgage insured pursuant to section 245, if the amount of the monthly payment due under the refinancing mortgage is less than that due under the existing mortgage for the month in which the refinancing mortgage is executed;

''(B) a mortgagee may not require a minimum principal amount to be outstanding on the loan secured by the existing mortgage;

''(C) in any case involving the refinancing of a loan in which the Secretary determines that the insurance of a mortgage for an additional term will inure to the benefits of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage, such refinancing mortgage may have a term not more than twelve years in excess of the unexpired term of such existing insured mortgage; and

''(D) any multifamily mortgage that is refinanced under this paragraph shall be documented through amendments to the existing insurance contract and shall not be structured through the provisions of a new insurance contract; or

''(2) executed in connection with the sale by the Government of any housing acquired pursuant to section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966.''; and

(ii) in subsection (d)(5), by striking ''A loan'' and all that follows through ''and loans'' and inserting ''Loans''.

(o) TRANSITION RULES.—

(1) EFFECT ON CONTRACTS.—The repeal of program authorities under this section shall not affect any legally binding obligation entered into before the effective date of this Act.

(2) SAVINGS PROVISIONS.—

(A) IN GENERAL.—Except as otherwise provided in this Act, any funds or obligation authorized by, activity conducted under, or mortgage or loan insured under, a provision of law repealed by this section shall continue to be governed by the provision as in existence immediately before the effective date of this Act.

(B) INSURANCE.—The insurance authorities repealed by subsection (n)(1) and the provisions of the National Housing Act applicable to a mortgage or loan insured under any of such authorities, as such authorities and provisions existed immediately before repeal, shall continue to apply to a mortgage or loan insured under any of such authorities prior to repeal, and a mortgage or loan for which, prior to the date of repeal, the Secretary has issued a firm commitment for insurance under any of such authorities or a Direct Endorsement underwriter has approved, in a form acceptable to the Secretary, a mortgage or loan for insurance under such authorities.

**SEC. 103. HUD CONSOLIDATION TASK FORCE.**

(a) IN GENERAL.—There is established a task force to be known as the ''HUD Consolidation Task Force'', which shall—

(1) consist of the Comptroller General of the United States, the Secretary, and the Inspector General of the Department; and

(2) conduct an analysis of legislative and regulatory options to reduce the number of programs carried out by the Department through consolidation, elimination, and transfer to other departments and agencies of the Federal government and to State and local governments.

(b) REPORT.—Not later than 6 months after the effective date of this Act, the HUD Consolidation Task Force shall submit to the Committees a report, which shall include the results of the analysis under subsection (a)(2).

## TITLE II—COMMUNITY EMPOWERMENT

**SEC. 201. REAUTHORIZATION OF COMMUNITY DEVELOPMENT BLOCK GRANTS AND PROHIBITION OF SET-ASIDES.**

(a) REAUTHORIZATION.—The last sentence of section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended to read as follows: ''For purposes of assistance under section 106, there is authorized to be appropriated $4,850,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.''.

(b) PROHIBITION OF SET-ASIDES.—Section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended—

(1) by inserting ''(a) IN GENERAL.—'' after ''SEC. 103.''; and

(2) by adding at the end the following:

''(b) PROHIBITION OF SET-ASIDES.—Except as provided in paragraphs (1) and (2) of section 106(a) and in section 107, amounts appropriated pursuant to subsection (a) of this section or otherwise to carry out this title (other than section 108) shall be used only for formula-based grants allocated pursuant to section 106 and may not be otherwise used unless the provision of law providing for such other use specifically refers to this subsection and specifically states that such provision modifies or supersedes the provisions of this subsection.

''(c) POINT OF ORDER.—Notwithstanding any other provision of law, it shall not be in order in the Senate to consider any measure or amendment that provides for a set-aside prohibited under subsection (b). The point of order provided by this subsection may only be waived or suspended by a vote of three-fifths of the members of the Senate duly chosen and sworn.''.

**SEC. 202. COMMUNITY NOTIFICATION OF OPT-OUTS.**

Section 8(c)(8)(A) of the Housing Act of 1937 (42 U.S.C. 1437f(c)(8)(A)) is amended by adding at the end the following: ''Upon receipt of a written notice under this subparagraph, the Secretary shall forward a copy of the notice to the top elected official for the unit of local government in which the property is located.''.

**SEC. 203. URBAN HOMESTEAD REQUIREMENT.**

(a) DISPOSITION OF UNOCCUPIED AND SUBSTANDARD PUBLIC HOUSING.—

(1) PUBLICATION IN FEDERAL REGISTER.—

(A) IN GENERAL.—Subject to subparagraph (B), beginning 6 months after the effective date of this Act, and every 6 months thereafter, the Secretary shall publish in the Federal Register a list of each unoccupied multifamily housing project, substandard multifamily housing project, and other residential property that is owned by the Secretary.

(B) EXCEPTION FOR CERTAIN PROJECTS AND PROPERTIES.—

(i) PROJECTS.—A project described in subparagraph (A) shall not be included in a list published under subparagraph (A) if less than 6 months have elapsed since the later of—

(I) the date on which the project was acquired by the Secretary; or

(II) the date on which the project was determined to be unoccupied or substandard.

(ii) PROPERTIES.—A property described in subparagraph (A) shall not be included in a list published under subparagraph (A) if less than 6 months have elapsed since the date on which the property was acquired by the Secretary.

(b) TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking ''FLEXIBLE AUTHORITY.—'' and inserting the following: ''(a) FLEXIBLE AUTHORITY FOR DISPOSITION OF MULTIFAMILY PROJECTS.—''; and

(2) by adding at the end the following:

''(b) TRANSFER OF UNOCCUPIED AND SUBSTANDARD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COMMUNITY DEVELOPMENT CORPORATION.—The term 'community development corporation' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

''(B) COST RECOVERY BASIS.—The term 'cost recovery basis' means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than or equal to the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

''(C) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

''(D) QUALIFIED HUD PROPERTY.—The term 'qualified HUD property' means any property that is owned by the Secretary and is—

''(i) an unoccupied multifamily housing project;

''(ii) a substandard multifamily housing project; or

''(iii) an unoccupied single family property that—

''(I) has been determined by the Secretary not to be an eligible property under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

''(II) is an eligible property under such section 204(h), but—

''(aa) is not subject to a specific sale agreement under such section; and

''(bb) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section 204(h) pursuant to paragraph (10) of such section.

''(E) RESIDENTIAL PROPERTY.—The term 'residential property' means a property that is a multifamily housing project or a single family property.

''(F) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(G) SEVERE PHYSICAL PROBLEMS.—The term 'severe physical problems' means, with respect to a dwelling unit, that the unit—

''(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

''(ii) on not less than 3 separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

''(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced 3 or more blown fuses or tripped circuit breakers during the preceding 90-day period;

''(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

''(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

''(H) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence.

''(I) SUBSTANDARD.—The term 'substandard' means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

''(J) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given that term in section 102(a) of the Housing and Community Development Act of 1974.

''(K) UNOCCUPIED.—The term 'unoccupied' means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

''(2) TRANSFER AUTHORITY.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property included in the most recent list published by the Secretary under subsection (a) to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations submit a written request for the transfer.

''(3) TIMING.—The Secretary shall establish procedures that provide for—

''(A) time deadlines for transfers under this subsection;

''(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;

''(C) such units and corporations to express interest in the transfer under this subsection of such properties;

''(D) a right of first refusal for transfer of qualified HUD properties to such units and corporations, under which the Secretary shall accept an offer to purchase such a property made by such unit or corporation during a period established by the Secretary,

but in the case of an offer made by a community development corporation only if the offer provides for purchase on a cost recovery basis; and

''(E) a written explanation, to any unit of general local government or community development corporation making an offer to purchase a qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

''(4) OTHER DISPOSITION.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

''(5) SATISFACTION OF INDEBTEDNESS.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

''(6) DETERMINATION OF STATUS OF PROPERTIES.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

''(A) UPON ENACTMENT.—Not later than 60 days after the effective date of the Local Housing Opportunities Act, the Secretary shall assess each residential property owned by the Secretary to determine whether the property is a qualified HUD property.

''(B) UPON ACQUISITION.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

''(C) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

''(7) TENANT LEASES.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

''(8) USE OF PROPERTY.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

''(9) INAPPLICABILITY TO PROPERTIES MADE AVAILABLE FOR HOMELESS.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any property that the Secretary determines is to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations (as in effect on January 1, 2000), during the period that the properties are so available.

''(10) PROTECTION OF EXISTING CONTRACTS.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.''.

(c) PROCEDURES.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish, by rule, regulation, or order, such procedures as may be necessary to carry out this section and the amendments made by this section.

**SEC. 204. AUTHORIZATION OF MOVING TO WORK PROGRAM.**

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996) (42 U.S.C. 1437f note) is amended—

(1) in the section heading, by striking ''DEMONSTRATION'' and inserting ''PROGRAM'';

(2) in subsection (a), by striking ''this demonstration'' and inserting ''this section'';

(3) in subsection (b)—

(A) in the first sentence—

(i) by striking ''demonstration''; and

(ii) by striking ''up to 30'';

(B) in the third sentence, by striking ''Under the demonstration, notwithstanding'' and inserting ''Notwithstanding''; and

(C) by striking the second sentence;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''demonstration'' and inserting ''program under this section'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''demonstration'';

(ii) in subparagraph (B), by striking ''demonstration'' and inserting ''section''; and

(iii) in subparagraph (E), by striking ''demonstration program'' and inserting ''program under this section''; and

(C) in paragraph (4), by striking ''demonstration'' and inserting ''program under this section'';

(5) by striking subsection (d) and inserting the following:

''(d) APPROVAL OF APPLICATIONS.—Not later than 60 days after receiving an application submitted in accordance with subsection (c), the Secretary shall approve the application, unless the Secretary makes a written determination that the applicant has a most recent score under the public housing management assessment program under section 6(j)(2) of the United States Housing Act of 1937 (or any successor assessment program for public housing agencies), that is among the lowest 20 percent of the scores of all public housing agencies.'';

(6) in subsection (e)—

(A) in paragraph (1), by striking ''this demonstration'' and inserting ''the program under this section''; and

(B) in paragraph (2), by striking ''demonstration'' and inserting ''program under this section'';

(7) in subsection (f), by striking ''demonstration under this part'' and inserting ''program under this section'';

(8) in subsection (g)—

(A) in paragraph (1), by striking ''this demonstration'' and inserting ''the program under this section''; and

(B) in paragraph (2), by striking ''demonstration'' and inserting ''program under this section'';

(9) in subsection (h), by striking ''demonstration'' each place it appears and inserting ''program under this section'';

(10) in subsection (i), by striking ''demonstration'' and inserting ''program under this section''; and

(11) in subsection (j), by striking ''demonstration'' and inserting ''program''.

## TITLE III—HOMELESS ASSISTANCE REFORM

**SEC. 301. CONSOLIDATION OF HUD HOMELESS ASSISTANCE FUNDS.**

The purposes of this title are to facilitate the effective and efficient management of the homeless assistance programs of the Department by—

(1) reducing and preventing homelessness by supporting the creation and maintenance of community-based, comprehensive systems dedicated to returning families and individuals to self-sufficiency;

(2) reorganizing the homeless housing assistance authorities under the Stewart B. McKinney Homeless Assistance Act into a McKinney Homeless Assistance Performance Fund;

(3) assisting States and local governments, in partnership with private nonprofit service providers, to use homeless funding more efficiently and effectively;

(4) simplifying and making more flexible the provision of Federal homeless assistance;

(5) maximizing the ability of a community to implement a coordinated, comprehensive system for providing assistance to homeless families and individuals;

(6) making more efficient and equitable the manner in which homeless assistance is distributed;

(7) reducing the Federal role in local decisionmaking for homeless assistance programs;

(8) reducing the costs to governmental jurisdictions and private nonprofit organizations in applying for and using assistance; and

(9) advancing the goal of meeting the needs of the homeless population through mainstream programs and establishing continuum of care systems necessary to achieve that goal.

**SEC. 302. ESTABLISHMENT OF THE McKINNEY HOMELESS ASSISTANCE PERFORMANCE FUND.**

Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended to read as follows:

**''TITLE IV—McKINNEY HOMELESS ASSISTANCE PERFORMANCE FUND**

**''SEC. 401. DEFINITIONS.**

''In this title:

''(1) ALLOCATION UNIT OF GENERAL LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The term 'allocation unit of general local government' means a metropolitan city or an urban county.

''(B) CONSORTIA.—The term 'allocation unit of general local government' may include a consortium of geographically contiguous metropolitan cities and urban counties, if the Secretary determines that the consortium—

''(i) has sufficient authority and administrative capability to carry out the purposes of this title on behalf of its member jurisdictions; and

''(ii) will, according to a written certification by the State (or States, if the consortium includes jurisdictions in more than 1 State), direct its activities to the implementation of a continuum of care system within the State or States.

''(2) APPLICANT.—The term 'applicant' means a grantee submitting an application under section 403.

''(3) CONSOLIDATED PLAN.—The term 'consolidated plan' means the single comprehensive plan that the Secretary prescribes for submission by jurisdictions (which shall be coordinated and consistent with any 5-year comprehensive plan of the public housing agency required under section 14(e) of the United States Housing Act of 1937) that consolidates and fulfills the requirements of—

''(A) the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act;

''(B) the community development plan under section 104 of the Housing and Community Development Act of 1974; and

''(C) the submission requirements for formula funding under—

''(i) the Community Development Block Grant program (authorized by title I of the Housing and Community Development Act of 1974);

''(ii) the HOME program (authorized by title II of the Cranston-Gonzalez National Affordable Housing Act);

''(iii) the McKinney Homeless Assistance Performance Fund (authorized under this title); and

''(iv) the AIDS Housing Opportunity Act (authorized by subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act).

''(4) CONTINUUM OF CARE SYSTEM.—The term 'continuum of care system' means a system developed by a State or local homeless assistance board that includes—

''(A) a system of outreach and assessment, including drop-in centers, 24-hour hotlines, counselors, and other activities designed to engage homeless individuals and families, bring them into the continuum of care system, and determine their individual housing and service needs;

''(B) emergency shelters with essential services to ensure that homeless individuals and families receive shelter;

''(C) transitional housing with appropriate supportive services to help ensure that homeless individuals and families are prepared to make the transition to increased responsibility and permanent housing;

''(D) permanent housing, or permanent supportive housing, to help meet the long-term housing needs of homeless individuals and families;

''(E) coordination between assistance provided under this title and assistance provided under other Federal, State, and local programs that may be used to assist homeless individuals and families, including both targeted homeless assistance programs and other programs administered by the Departments of Veterans Affairs, Labor, Health and Human Services, and Education; and

''(F) a system of referrals for subpopulations of the homeless (such as homeless veterans, families with children, battered spouses, persons with mental illness, persons who have chronic problems with alcohol, drugs, or both, persons with other chronic health problems, and persons who have acquired immunodeficiency syndrome and related diseases) to the appropriate agencies, programs, or services (including health care, job training, and income support) necessary to meet their needs.

''(5) GRANTEE.—The term 'grantee' means—

''(A) an allocation unit of general local government or insular area that administers a grant under section 408(b)(1); or

''(B) an allocation unit of general local government or insular area that designates a public agency or a private nonprofit organization (or a combination of such organizations) to administer grant amounts under section 408(b)(2).

''(6) HOMELESS INDIVIDUAL.—The term 'homeless individual' has the same meaning as in section 103 of this Act.

''(7) INSULAR AREA.—The term 'insular area' means the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''(8) LOW-DEMAND SERVICES AND REFERRALS.—The term 'low-demand services and referrals' means the provision of health care, mental health, substance abuse, and other supportive services and referrals for services in a noncoercive manner, which may include medication management, education, counseling, job training, and assistance in obtaining entitlement benefits and in obtaining other supportive services, including mental health and substance abuse treatment.

''(9) METROPOLITAN CITY.—The term 'metropolitan city' has the same meaning as in section 102(a) of the Housing and Community Development Act of 1974.

''(10) PERSON WITH DISABILITIES.—The term 'person with disabilities' means a person who—

''(A) has a disability as defined in section 223 of the Social Security Act;

''(B) is determined to have, as determined by the Secretary, a physical, mental, or emotional impairment which—

''(i) is expected to be of long-continued and indefinite duration;

''(ii) substantially impedes his or her ability to live independently; and

''(iii) is of such a nature that such ability could be improved by more suitable housing conditions;

''(C) has a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act; or

''(D) has the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, except that this subparagraph shall not be construed to limit eligibility under subparagraphs (A) through (C) or the provisions referred to in subparagraphs (A) through (C).

''(11) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means a private organization—

''(A) no part of the net earnings of which inures to benefits of any member, founder, contributor, or individual;

''(B) that has a voluntary board;

''(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

''(D) that practices nondiscrimination in the provision of assistance.

''(12) PROJECT SPONSOR.—The term 'project sponsor' means an entity that—

''(A) provides housing or assistance for homeless individuals or families by carrying out activities under this title; and

''(B) meets such minimum standards as the Secretary considers appropriate.

''(13) RECIPIENT.—The term 'recipient' means a grantee (other than a State when it is distributing grant amounts to State recipients) and a State recipient.

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(15) STATE.—The term 'State' means each of the several States and the Commonwealth of Puerto Rico. The term includes an agency or instrumentality of a State that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this title.

''(16) STATE RECIPIENT.—The term 'State recipient' means the following entities receiving amounts from the State under section 408(c)(2)(B):

''(A) A unit of general local government within the State.

''(B) In the case of an area of the State with significant homeless needs, if no State recipient is identified, 1 or more private nonprofit organizations serving that area.

''(17) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means—

''(A) a city, town, township, county, parish, village, or other general purpose political subdivision of a State;

''(B) the District of Columbia; and

''(C) any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this title.

''(18) URBAN COUNTY.—The term 'urban county' has the same meaning as in section 102(a) of the Housing and Community Development Act of 1974.

''(19) VERY LOW-INCOME FAMILIES.—The term 'very low-income families' has the same meaning as in section 104 of the Cranston-Gonzalez National Affordable Housing Act.

**''SEC. 402. AUTHORIZATIONS.**

''(a) IN GENERAL.—The Secretary may make grants to carry out activities to assist homeless individuals and families in support of continuum of care systems in accordance with this title.

''(b) FUNDING AMOUNTS.—There are authorized to be appropriated to carry out this title, to remain available until expended—

''(1) $1,050,000,000 for fiscal year 2001;

''(2) $1,070,000,000 for fiscal year 2002; and

''(3) $1,090,000,000 for fiscal year 2003.

**''SEC. 403. APPLICATION.**

''(a) IN GENERAL.—Each applicant shall submit the application required under this section in such form and in accordance with such procedures as the Secretary shall prescribe. If the applicant is a State or unit of general local government, the application shall be submitted as part of the homeless assistance component of the consolidated plan.

''(b) CONTINUUM OF CARE SUBMISSION.—

''(1) IN GENERAL.—The allocation unit of general local government, insular area, or State shall prepare, and submit those portions of the application related to the development and implementation of the continuum of care system, as described in paragraph (2) or (3), as applicable.

''(2) SUBMISSION BY ALLOCATION UNIT OF GENERAL LOCAL GOVERNMENT OR INSULAR AREA.—The allocation unit of general local government or insular area shall develop and submit to the Secretary—

''(A) a continuum of care system consistent with that defined under section 401(4), which shall be designed to incorporate any strengths and fill any gaps in the current homeless assistance activities of the jurisdiction, and shall include a description of efforts to address the problems faced by each of the different subpopulations of homeless individuals;

''(B) a multiyear strategy for implementing the continuum of care system, including appropriate timetables and budget estimates for accomplishing each element of the strategy;

''(C) a 1-year plan, identifying all activities to be carried out with assistance under this title and with assistance from other HUD resources allocated in accordance with the consolidated plan, and describing the manner in which these activities will further the strategy; and

''(D) any specific performance measures and benchmarks for use in assessing the performance of the grantee under this title that are in addition to national performance measures and benchmarks established by the Secretary.

''(3) SUBMISSION BY STATE.—The State shall develop and submit to the Secretary—

''(A) a continuum of care system consistent with that defined under section 401(4), which shall be designed to incorporate any strengths and fill any gaps in the current homeless assistance activities of the jurisdiction, and shall include a description of efforts to address the problems faced by each of the different subpopulations of homeless individuals;

''(B) a multiyear strategy for implementing the continuum of care systems in areas of the State outside allocation units of general local government, including the actions the State will take to achieve the goals set out in the strategy;

''(C) a 1-year plan identifying—

''(i) in the case of a State carrying out its own activities under section 408(c)(2)(A), the activities to be carried out with assistance under this title and describing the manner in which these activities will further the strategy; and

''(ii) in the case of a State distributing grant amounts to State recipients under section 408(c)(2)(B), the criteria that the State will use in distributing amounts awarded under this title, the method of distribution, and the relationship of the method of distribution to the homeless assistance strategy; and

''(D) any specific performance measures and benchmarks for use in assessing the performance of the grantee under this title that are in addition to national performance measures and benchmarks established by the Secretary.

''(c) SUBMISSION REQUIREMENTS FOR APPLICANTS OTHER THAN STATES.—Each application from an applicant other than a State shall include, at a minimum—

''(1) the continuum of care submission described in subsection (b)(2);

''(2) a determination on whether the assistance under this title will be administered by the jurisdiction, a public agency or private nonprofit organization, or the State, as appropriate under subsections (b) and (c) of section 408;

''(3) certifications or other such forms of proof of commitments of financial and other resources sufficient to comply with the match requirements under section 405(a)(1);

''(4) a certification that the applicant is following a current approved consolidated plan;

''(5) a certification that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act, and the grantee will affirmatively further fair housing; and

''(6) a certification that the applicant will comply with the requirements of this title and other applicable laws.

''(d) SUBMISSION REQUIREMENTS FOR STATES.—Each application from a State shall include—

''(1) the continuum of care submission described in subsection (b)(3);

''(2) certifications or other such forms of proof of commitments of financial and other resources sufficient to comply with the match requirements under section 405(a)(1);

''(3) a certification that the applicant is following a current approved consolidated plan;

''(4) a certification that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act, and the grantee will affirmatively further fair housing; and

''(5) a certification that the State and State recipients will comply with the requirements of this title and other applicable laws.

''(e) APPLICATION APPROVAL.—The application shall be approved by the Secretary unless the Secretary determines that the application is substantially incomplete.

**''SEC. 404. ELIGIBLE PROJECTS AND ACTIVITIES; CONTINUUM OF CARE APPROVAL.**

''(a) ELIGIBLE PROJECTS.—Grants under this title may be used to carry out activities described in subsection (b) in support of the following types of projects:

''(1) EMERGENCY ASSISTANCE.—Assistance designed to prevent homelessness or to meet the emergency needs of homeless individuals and families, including 1 or more of the following:

''(A) PREVENTION.—Efforts to prevent homelessness of a very low-income individual or family that has received an eviction notice, notice of mortgage foreclosure, or notice of termination of utilities, if—

''(i) the individual or family cannot make the required payments due to a sudden reduction in income or other financial emergency; and

''(ii) the assistance is necessary to avoid imminent eviction, foreclosure, or termination of services.

''(B) OUTREACH AND ASSESSMENT.—Efforts designed to inform individuals and families about the availability of services, to bring them into the continuum of care system, and to determine which services or housing are appropriate to the needs of the individual or family.

''(C) EMERGENCY SHELTER.—The provision of short-term emergency shelter with essential supportive services for homeless individuals and families.

''(2) SAFE HAVEN HOUSING.—A structure or a clearly identifiable portion of a structure that—

''(A) provides housing and low-demand services and referrals for homeless individuals with serious mental illness—

''(i) who are currently residing primarily in places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and

''(ii) who have been unwilling or unable to participate in mental health or substance abuse treatment programs or to receive other supportive services; except that a person whose sole impairment is substance abuse shall not be considered an eligible person;

''(B) provides 24-hour residence for eligible individuals who may reside for an unspecified duration;

''(C) provides private or semiprivate accommodations;

''(D) may provide for the common use of kitchen facilities, dining rooms, and bathrooms;

''(E) may provide supportive services to eligible persons who are not residents on a drop-in basis;

''(F) provides occupancy limited to not more than 25 persons; and

''(G) provides housing for victims of spousal abuse, and their dependents.

''(3) TRANSITIONAL HOUSING.—Housing and appropriate supportive services that are designed to facilitate the movement of homeless individuals to permanent housing, generally within 24 months.

''(4) PERMANENT HOUSING AND PERMANENT HOUSING AND SUPPORTIVE SERVICES FOR PERSONS WITH DISABILITIES.—Permanent housing for homeless individuals, and permanent housing and supportive services for homeless persons with disabilities, the latter of which may be designed to provide housing and services solely for persons with disabilities, or may provide housing for such persons in a multifamily housing, condominium, or cooperative project.

''(5) SINGLE ROOM OCCUPANCY HOUSING.—A unit for occupancy by 1 person, which need not (but may) contain food preparation or sanitary facilities, or both, and may provide services such as mental health services, substance abuse treatment, job training, and employment programs.

''(6) OTHER PROJECTS.—Such other projects as the Secretary determines will further the purposes of title I of the Homelessness Assistance and Management Reform Act of 1997.

''(b) ELIGIBLE ACTIVITIES.—Grants under this title may be used to carry out the following activities in support of projects described in subsection (a):

''(1) HOMELESSNESS PREVENTION ACTIVITIES.—Short-term mortgage, rental, and utilities payments and other short-term assistance designed to prevent the imminent homelessness of the individuals and families described in subsection (a)(1)(A).

''(2) OUTREACH AND ASSESSMENT.—Drop-in centers, 24-hour hotlines, counselors, and other activities designed to engage homeless individuals and families, bring them into the continuum of care system, and determine their individual housing and service needs.

''(3) ACQUISITION AND REHABILITATION.—The acquisition, rehabilitation, or acquisition and rehabilitation of real property.

''(4) NEW CONSTRUCTION.—The new construction of a project, including the cost of the site.

''(5) OPERATING COSTS.—The costs of operating a project, including salaries and benefits, maintenance, insurance, utilities, replacement reserve accounts, and furnishings.

''(6) LEASING.—Leasing of an existing structure or structures, or units within these structures, including the provision of long-term rental assistance contracts.

''(7) TENANT ASSISTANCE.—The provision of security or utility deposits, rent, or utility payments for the first month of residence at a new location, and relocation assistance.

''(8) SUPPORTIVE SERVICES.—The provision of essential supportive services including case management, housing counseling, job training and placement, primary health care, mental health services, substance abuse treatment, child care, transportation, emergency food and clothing, family violence services, education services, moving services, assistance in obtaining entitlement benefits, and referral to veterans services and referral to legal services.

''(9) ADMINISTRATION.—

''(A) IN GENERAL.—Expenses incurred in—

''(i) planning, developing, and establishing a program under this title; and

''(ii) administering the program.

''(B) LIMITATIONS.—Not more than the following amounts may be used for administrative costs under subparagraph (A):

''(i) 10 percent of any grant amounts provided for a recipient for a fiscal year (including amounts used by a State to carry out its own activities under section 408(c)(1)(A)).

''(ii) 5 percent of any grant amounts provided to a State for a fiscal year that the State uses to distribute funds to a State recipient under section 408(c)(1)(B).

''(10) CAPACITY BUILDING.—

''(A) IN GENERAL.—Building the capacity of private nonprofit organizations to participate in the continuum of care system of the recipient.

''(B) LIMITATIONS.—Not more than the following amounts may be used for capacity building under subparagraph (A):

''(i) 2 percent of any grant amounts provided for a recipient for a fiscal year (including amounts used by a State to carry out its own activities under section 408(c)(1)(A)).

''(ii) 2 percent of any grant amounts provided to a State for a fiscal year that the State uses to distribute funds to a State recipient under section 408(c)(1)(B).

''(11) OTHER ACTIVITIES.—Other activities as the Secretary determines will further the purposes of title I of the Homelessness Assistance and Management Reform Act of 1997.

''(c) TARGETING TO SUBPOPULATIONS OF PERSONS WITH DISABILITIES.—Notwithstanding any other provision of law, projects for persons with disabilities assisted under this title may be targeted to specific subpopulations of such persons, including persons who—

''(1) are seriously mentally ill;

''(2) have chronic problems with drugs, alcohol, or both; or

''(3) have acquired immunodeficiency syndrome or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome.

**''SEC. 405. MATCHING REQUIREMENT AND MAINTENANCE OF EFFORT.**

''(a) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Each recipient shall make contributions totaling not less than $1 for every $3 made available for the recipient

for any fiscal year under this title to carry out eligible activities. At the end of each program year, each recipient shall certify to the Secretary that it has complied with this section, and shall include with the certification a description of the sources and amounts of the matching contributions. Contributions under this section may not come from assistance provided under this title.

''(2) CALCULATION OF AMOUNTS.—In calculating the amount of matching contributions required under paragraph (1), a recipient may include—

''(A) any funds derived from a source, other than assistance under this title or amounts subject to subsection (b);

''(B) the value of any lease on a building; and

''(C) any salary paid to staff or any volunteer labor contributed to carry out the program.

''(b) LIMITATION ON USE OF FUNDS.—No assistance received under this title may be used to replace other funds previously used, or designated for use, by the State, State recipient (except when a State recipient is a private nonprofit organization), allocation unit of general local government or insular area to assist homeless individuals and families.

**''SEC. 406. RESPONSIBILITIES OF RECIPIENTS, PROJECT SPONSORS, AND OWNERS.**

''(a) USE OF ASSISTANCE THROUGH PRIVATE NONPROFIT ORGANIZATIONS.—

''(1) IN GENERAL.—Each recipient shall ensure that at least 50 percent of the grant amounts that are made available to it under this title for any fiscal year are made available to project sponsors that are private nonprofit organizations.

''(2) WAIVER.—The Secretary may waive or reduce the requirement of paragraph (1), if the recipient demonstrates to the Secretary that the requirement interferes with the ability of the recipient to provide assistance under this title because of the paucity of qualified private nonprofit organizations in the jurisdiction of the recipient.

''(b) HOUSING QUALITY.—Each recipient shall ensure that housing assisted with grant amounts provided under this title is decent, safe, and sanitary and complies with all applicable State and local housing codes, building codes, and licensing requirements in the jurisdiction in which the housing is located.

''(c) PREVENTION OF UNDUE BENEFIT.—The Secretary may prescribe such terms and conditions as the Secretary considers necessary to prevent project sponsors from unduly benefiting from the sale or other disposition of projects, other than a sale or other disposition resulting in the use of the project for the direct benefit of very low-income families.

''(d) CONFIDENTIALITY.—Each recipient shall develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided services assisted under this title for family violence prevention or treatment or for such medical or other conditions as the Secretary may prescribe, and to ensure that the address or location of any project providing such services will, except with written authorization of the person or persons responsible for the operation of such project, not be made public.

''(e) EMPLOYMENT OF HOMELESS INDIVIDUALS.—

''(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall ensure that recipients, through employment, volunteer services, or otherwise, provide opportunities for homeless individuals and families to participate in—

''(A) constructing, renovating, maintaining, and operating facilities assisted under this title;

''(B) providing services so assisted; and

''(C) providing services for occupants of facilities so assisted.

''(2) NO DISPLACEMENT OF EMPLOYED WORKERS.—In carrying out paragraph (1), recipients shall not displace employed workers.

''(f) OCCUPANCY CHARGE.—Any homeless individual or family residing in a dwelling unit assisted under this title may be required to pay an occupancy charge in an amount determined by the grantee providing the assistance, which may not exceed an amount equal to 30 percent of the adjusted income (as defined in section 3(b) of the United States Housing Act of 1937 or any other subsequent provision of Federal law defining the term for purposes of eligibility for, or rental charges in, public housing) of the individual or family. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

**''SEC. 407. ALLOCATION AND DISTRIBUTION OF FUNDS.**

''(a) INSULAR AREAS.—

''(1) ALLOCATION.—For each fiscal year, the Secretary shall allocate assistance under this title to insular areas, in an amount equal to 0.20 percent of the amounts appropriated under the first sentence of section 402(b).

''(2) DISTRIBUTION.—The Secretary shall provide for the distribution of amounts reserved under paragraph (1) for insular areas pursuant to specific criteria or a distribution formula prescribed by the Secretary.

''(b) STATES AND ALLOCATION UNITS OF GENERAL LOCAL GOVERNMENT.—

''(1) IN GENERAL.—For each fiscal year, of the amounts appropriated under the first sentence of section 402(b) that remain after amounts are reserved for insular areas under subsection (a), the Secretary shall allocate assistance according to the formula described in paragraph (2).

''(2) FORMULA.—

''(A) ALLOCATION.—The Secretary shall allocate amounts for allocation units of general local government and States, in a manner that ensures that the percentage of the total amount available under this title for any fiscal year for any allocation unit of general local government or State is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 for the same fiscal year that is allocated for the allocation unit of general local government or State.

''(B) MINIMUM ALLOCATION.—

''(i) GRADUATED MINIMUM GRANT ALLOCATIONS.—A State, metropolitan city, or urban county shall receive no less funding in the first fiscal year after the effective date of this Act than 90 percent of the average of the amounts awarded annually to that jurisdiction for homeless assistance programs administered by the Secretary under this title during fiscal years 1996 through 1999, not less than 85 percent in the second full fiscal year after the effective date of this Act, not less than 80 percent in the third and fourth fiscal years after the effective date of this Act, and not less than 75 percent in the fifth full fiscal year after the effective date of this Act, but only if the amount appropriated in each such fiscal year exceeds $1,000,000,000. If that amount does not exceed $1,000,000,000 in any fiscal year referred to in the first sentence of this paragraph, the jurisdiction may receive its proportionate share of the amount appropriated which may be less than the amount in such sentence for such fiscal year.

''(ii) REDUCTION.—In any fiscal year, the Secretary may provide a grant under this subsection for a State, metropolitan city, or urban county, in an amount less than the amount allocated under those paragraphs, if the Secretary determines that the jurisdiction has failed to comply with requirements of this title, or that such action is otherwise appropriate.

''(C) STUDY; SUBMISSION OF INFORMATION TO CONGRESS RELATED TO ALTERNATIVE METHODS OF ALLOCATION.—Not later than 1 year after the effective date of the Local Housing Opportunities Act, the Secretary shall—

''(i) submit to Congress—

''(I) the best available methodology for determining a formula relative to the geographic allocation of funds under this subtitle among entitlement communities and nonentitlement areas based on the incidence of homelessness and factors that lead to homelessness;

''(II) proposed alternatives to the formula submitted pursuant to subclause (I) for allocating funds under this section, including an evaluation and recommendation on a 75/25 percent formula and other allocations of flexible block grant homeless assistance between metropolitan cities and urban counties and States under subparagraph (A);

''(III) an analysis of the deficiencies in the current allocation formula described in section 106(b) of the Housing and Community Development Act of 1974;

''(IV) an analysis of the adequacy of current indices used as proxies for measuring homelessness; and

''(V) an analysis of the bases underlying each of the proposed allocation methods;

''(ii) perform the duties required by this paragraph in ongoing consultation with—

''(I) the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate;

''(II) the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives;

''(III) organizations representing States, metropolitan cities, and urban counties;

''(IV) organizations representing rural communities;

''(V) organizations representing veterans;

''(VI) organizations representing persons with disabilities;

''(VII) members of the academic community; and

''(VIII) national homelessness advocacy groups; and

''(iii) estimate the amount of funds that will be received annually by each entitlement community and nonentitlement area under each such alternative allocation system and compare such amounts to the amount of funds received by each entitlement community and nonentitlement area in prior years under this section.

**''SEC. 408. ADMINISTRATION OF PROGRAM.**

''(a) IN GENERAL.—The Secretary shall prescribe such procedures and requirements as the Secretary deems appropriate for administering grant amounts under this title.

''(b) ALLOCATION UNITS OF GENERAL LOCAL GOVERNMENT AND INSULAR AREAS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an allocation unit of general local government or insular area shall administer grant amounts received under subsection (a) or (b) of section 407 for any fiscal year.

''(2) AGENCIES AND ORGANIZATIONS DESIGNATED BY JURISDICTION.—

''(A) DESIGNATION OF OTHER ENTITIES TO ADMINISTER GRANT AMOUNTS.—An allocation unit of general local government or insular area may elect for any fiscal year to designate a public agency or a private nonprofit organization (or a collaboration of such organizations) to administer grant amounts received under subsection (a) or (b) of section 407 instead of the jurisdiction.

''(B) PROVISION OF GRANT AMOUNTS.—The Secretary may, at the request of a jurisdiction under subparagraph (A), provide grant amounts directly to the agency or organization designated under that subparagraph.

''(c) STATES.—

''(1) IN GENERAL.—The State—

''(A) may use not more than 15 percent of the amount made available to the State under section 407(b)(2) for a fiscal year to carry out its own homeless assistance program under this title; and

''(B) shall distribute the remaining amounts to State recipients.

''(2) DISTRIBUTION OF AMOUNTS TO STATE RECIPIENTS.—

''(A) IN GENERAL.—

''(i) OPTIONS.—States distributing amounts under paragraph (1)(B) to State recipients that are units of general local government shall, for each fiscal year, afford each such recipient the options of—

''(I) administering the grant amounts on its own behalf;

''(II) designating (as provided by subsection (b)(2)) a public agency or a private nonprofit organization (or a combination of such organizations) to administer the grant amounts instead of the jurisdiction; or

''(III) entering into an agreement with the State, in consultation with private nonprofit organizations providing assistance to homeless individuals and families in the jurisdiction, under which the State will administer the grant amounts instead of the jurisdiction.

''(ii) EFFECT OF DESIGNATION.—A State recipient designating an agency or organization as provided by clause (i)(II), or entering into an agreement with the State under clause (i)(III), shall remain the State recipient for purposes of this title.

''(iii) DIRECT ASSISTANCE.—The State may, at the request of the State recipient, provide grant amounts directly to the agency or organization designated under clause (i)(II).

''(B) APPLICATION.—

''(i) IN GENERAL.—The State shall distribute amounts to State recipients (or to agencies or organizations designated under subparagraph (A)(i)(II), as appropriate) on the basis of an application containing such information as the State may prescribe, except that each application shall reflect the State application requirements in section 403(d) and evidence an intent to facilitate the establishment of a continuum of care system.

''(ii) WAIVER.—The State may waive the requirements in clause (i) with respect to 1 or more proposed activities, if the State determines that—

''(I) the activities are necessary to meet the needs of homeless individuals and families within the jurisdiction; and

''(II) a continuum of care system is not necessary, due to the nature and extent of homelessness in the jurisdiction.

''(C) PREFERENCE.—In selecting State recipients and making awards under subparagraph (B), the State shall give preference to applications that demonstrate higher relative levels of homeless need and fiscal distress.

**''SEC. 409. CITIZEN PARTICIPATION.**

''(a) IN GENERAL.—Each recipient shall ensure that citizens, appropriate private nonprofit organizations, and other interested groups and entities participate fully in the development and carrying out of the program authorized under this title.

''(b) ALLOCATION UNITS OF GENERAL LOCAL GOVERNMENT AND INSULAR AREAS.—The chief executive officer of each allocation unit of general local government or insular area shall designate an entity, which shall assist the jurisdiction—

''(1) by developing the continuum of care system and other submission requirements, and by submitting the system and such other submission requirements for its approval under section 403(b);

''(2) in overseeing the activities carried out with assistance under this title; and

''(3) in preparing the performance report under section 410(b).

''(c) STATE RECIPIENTS.—The chief executive officer of the State shall designate an entity which shall assist the State—

''(1) by developing the continuum of care system and other submission requirements, and by submitting the system and such other submission requirements for its approval under section 403(b);

''(2) in determining the percentage of the grant that the State should use—

''(A) to carry out its own homeless assistance program under section 408(c)(1)(A); or

''(B) to distribute amounts to State recipients under section 408(c)(1)(B);

''(3) in carrying out the responsibilities of the State, if the State enters into an agreement with a State recipient to administer the amounts of the State recipient under section 408(c)(2)(A)(i)(III);

''(4) in overseeing the activities carried out with assistance under this title; and

''(5) in preparing the performance report under section 410(b).

**''SEC. 410. PERFORMANCE REPORTS, REVIEWS, AUDITS, AND GRANT ADJUSTMENTS.**

''(a) NATIONAL PERFORMANCE MEASURES AND BENCHMARKS.—The Secretary shall establish national performance measures and benchmarks to assist the Secretary, grantees, citizens, and others in assessing the use of funds made available under this title.

''(b) GRANTEE PERFORMANCE AND EVALUATION REPORT.—

''(1) IN GENERAL.—Each grantee shall submit to the Secretary a performance and evaluation report concerning the use of funds made available under this title.

''(2) TIMING AND CONTENTS.—The report under subsection (a) shall be submitted at such time as the Secretary shall prescribe and contain an assessment of the performance of the grantee as measured against any specific performance measures and benchmarks (developed under section 403), the national performance measures and benchmarks (as established under subsection (a)), and such other information as the Secretary shall prescribe. Such performance measures and benchmarks shall include a measure of the number of homeless individuals who transition to self-sufficiency, and a measure of the number of homeless individuals who have ended a chemical dependency or drug addiction.

''(3) AVAILABILITY TO PUBLIC.—Before the submission of a report under subsection (a), the grantee shall make the report available to citizens, public agencies, and other interested parties in the jurisdiction of the grantee in sufficient time to permit them to comment on the report before submission.

''(c) PERFORMANCE REVIEWS, AUDITS, AND GRANT ADJUSTMENTS.—

''(1) PERFORMANCE REVIEWS AND AUDITS.—The Secretary shall, not less than annually, make such reviews and audits as may be necessary or appropriate to determine—

''(A) in the case of a grantee (other than a grantee referred to in subparagraph (B)), whether the grantee—

''(i) has carried out its activities in a timely manner;

''(ii) has made progress toward implementing the continuum of care system in conformity with its application under this title; and

''(iii) has carried out its activities and certifications in accordance with the requirements of this title and other applicable laws; and

''(B) in the case of States distributing grant amounts to State recipients, whether the State—

''(i) has distributed amounts to State recipients in a timely manner and in conformance with the method of distribution described in its application;

''(ii) has carried out its activities and certifications in compliance with the requirements of this title and other applicable laws; and

''(iii) has made such performance reviews and audits of the State recipients as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria set forth in subparagraph (A).

''(2) GRANT ADJUSTMENTS.—The Secretary may make appropriate adjustments in the amount of grants in accordance with the findings of the Secretary under this subsection. With respect to assistance made available for State recipients, the Secretary may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the performance reviews and audits of the Secretary under this subsection, except that amounts already properly expended on eligible activities under this title shall not be recaptured or deducted from future assistance to such recipients.

**''SEC. 411. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.**

''No person in the United States shall, on the ground of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified individual with a disability, as provided in section 504 of the Rehabilitation Act of 1973, shall also apply to any such program or activity.

**''SEC. 412. RETENTION OF RECORDS, REPORTS, AND AUDITS.**

''(a) RETENTION OF RECORDS.—Each recipient shall keep such records as may be reasonably necessary—

''(1) to disclose the amounts and the disposition of the grant amounts, including the types of activities funded and the nature of populations served with these funds; and

''(2) to ensure compliance with the requirements of this title.

''(b) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient that are pertinent to grant amounts received in connection with this title.

''(c) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient that are pertinent to grant amounts received in connection with this title.''.

**SEC. 303. REPEAL AND SAVINGS PROVISIONS.**

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Beginning on the effective date of this Act, the Secretary may not make assistance available under title IV of the Stewart B. McKinney Homeless Assistance Act (as in existence immediately before such effective date), except pursuant to a legally binding commitment entered into before that date.

(b) LAW GOVERNING.—Any amounts made available under title IV of the Stewart B.

McKinney Homeless Assistance Act before the effective date of this Act shall continue to be governed by the provisions of that title, as they existed immediately before that effective date, except that each grantee may, in its discretion, provide for the use, in accordance with the provisions of title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this title), of any such amounts that it has not obligated.

(c) STATUS OF FUNDS.—

(1) IN GENERAL.—Any amounts appropriated under title IV of the Stewart B. McKinney Homeless Assistance Act before the effective date of this Act that are available for obligation immediately before such effective date, or that become available for obligation on or after that date, shall be transferred and added to amounts appropriated for title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this title), and shall be available for use in accordance with the provisions of such title IV.

(2) AVAILABILITY.—Any amounts transferred under paragraph (1) shall remain available for obligation only for the time periods for which such respective amounts were available before such transfer.

**SEC. 304. IMPLEMENTATION.**

(a) INITIAL ALLOCATION OF ASSISTANCE.—Not later than the expiration of the 60-day period following the date of enactment of an Act appropriating funds to carry out title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this title), the Secretary shall notify each allocation unit of general local government, insular area, and State of its allocation under the McKinney Homeless Assistance Performance Fund.

(b) ISSUANCE OF NECESSARY REGULATIONS.—Notwithstanding section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)), the Secretary shall issue such regulations as may be necessary to implement any provision of title I of this Act, and any amendment made by this title, in accordance with section 552 or 553 of title 5, United States Code, as determined by the Secretary.

(c) USE OF EXISTING RULES.—In implementing any provision of this title, the Secretary may, in the discretion of the Secretary, provide for the use of existing rules to the extent appropriate, without the need for further rulemaking.

## TITLE IV—RURAL HOUSING

**SEC. 401. MUTUAL AND SELF-HELP HOUSING TECHNICAL ASSISTANCE AND TRAINING GRANTS AUTHORIZATION.**

Section 513(b) of the Housing Act of 1949 (42 U.S.C. 1483(b)) is amended by striking paragraph (8) and inserting the following:

''(8) For grants under paragraphs (1)(A) and (2) of section 523(b)—

''(A) $40,000,000 for fiscal year 2001;

''(B) $45,000,000 for fiscal year 2002; and

''(C) $50,000,000 for fiscal year 2003.''.

**SEC. 402. ENHANCEMENT OF THE RURAL HOUSING REPAIR LOAN PROGRAM FOR THE ELDERLY.**

Section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking ''$2,500'' and inserting ''$7,500''.

**SEC. 403. ENHANCEMENT OF EFFICIENCY OF RURAL HOUSING PRESERVATION GRANTS.**

Section 533 of the Housing Act of 1949 (42 U.S.C. 1490m) is amended—

(1) by striking subsection (c);

(2) in subsection (d)(3)(H), by striking ''(e)(1)(B)(iv)'' and inserting ''(d)(1)(B)(iv)''; and

(3) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

**SEC. 404. PROJECT ACCOUNTING RECORDS AND PRACTICES.**

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following:

''(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

''(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

''(aa) DOUBLE DAMAGE REMEDY FOR UNAUTHORIZED USE OF HOUSING PROJECTS ASSETS AND INCOME.—

''(1) ACTION TO RECOVER ASSETS OR INCOME.—

''(A) IN GENERAL.—The Secretary may request the Attorney General to bring an action in a district court of the United States to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

''(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

''(C) DEFINITION OF PERSON.—In this subsection, the term 'person' means—

''(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

''(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; or

''(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

''(2) AMOUNT RECOVERABLE.—

''(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

''(B) APPLICATION OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may apply any recovery of funds under this subsection to activities authorized under this section and such funds shall remain available until expended.

''(3) TIME LIMITATION.—Notwithstanding any other statute of limitations, the Attorney General may bring an action under this subsection at any time up to and including 6 years after the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

''(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.''.

**SEC. 405. OPERATING ASSISTANCE FOR MIGRANT FARM WORKER PROJECTS.**

Section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended in the last sentence by striking ''project'' and inserting ''tenant or unit''.

## TITLE V—VOUCHER REFORM

**SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR RENTAL VOUCHERS FOR RELOCATION OF WITNESSES AND VICTIMS OF CRIME.**

Section 8(o)(16) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(16)) is amended—

(1) in subparagraph (A), by striking ''Of amounts made available for assistance under this subsection'' and inserting ''Of the amount made available under subparagraph (C)'';

(2) in subparagraph (B), by striking ''Of amounts made available for assistance under this section'' and inserting ''Of the amount made available under subparagraph (C)''; and

(3) by adding at the end the following:

''(C) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out this section for each fiscal year, there is authorized to be appropriated to carry out this paragraph $25,000,000 for each fiscal year.''.

**SEC. 502. REVISIONS TO THE LEASE ADDENDUM.**

Section 8(o)(7)(F) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)(F)) is amended striking the period at the end and inserting the following: '', except that—

''(i) the provisions of any such addendum shall supplement any existing standard rental agreement to the extent that the addendum does not modify, nullify, or in any way materially alter any material provision of the rental agreement; and

''(ii) a provision of the addendum shall be nullified only to extent that the provision conflicts with applicable State or local law.''.

**SEC. 503. REPORT REGARDING HOUSING VOUCHER PROGRAM.**

(a) IN GENERAL.—The Secretary shall publish in the Federal Register a notice soliciting comments and recommendations regarding the means by which the voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) may be changed and enhanced to promote increased participation by private rental housing owners.

(b) REPORT.—Not later than 6 months after the effective date of this Act, the Secretary shall submit to the Committees a report on the results of the solicitation under subsection (a), which shall include a summary and analysis of the recommendations received, especially recommendations regarding legislative and administrative changes to the program described in subsection (a).

**SEC. 504. CONDUCTING QUALITY STANDARD INSPECTIONS ON A PROPERTY BASIS RATHER THAN A UNIT BASIS.**

Section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amended—

(1) in the paragraph heading, by inserting ''AND PROPERTIES'' after ''UNITS'';

(2) in subparagraph (A)—

(A) by striking ''Except as provided'' and inserting the following:

''(i) INSPECTION REQUIREMENT.—Except as provided''; and

(B) by adding at the end the following:

''(ii) INSPECTION AND CERTIFICATION ON A PROPERTY-WIDE BASIS.—

''(I) IN GENERAL.—For purposes of this subparagraph, each owner shall have the option

of having the property of the owner inspected and certified on a property-wide basis, subject to the inspection guidelines set forth in subparagraphs (C) and (D).

''(II) CERTIFICATION.—Owners of properties electing a property-wide inspection and not currently receiving tenant-based assistance for any dwelling unit in those properties may elect a property-wide certification by having each dwelling unit that is to be made available for tenant-based assistance inspected before any housing assistance payments are made. Any owner participating in the voucher program under this subsection as of the effective date of Local Housing Opportunities Act shall have the option of electing property-wide certification by sending written notice to the appropriate administering agency. Any property that is inspected and certified on a property-wide basis shall not be required to have units in the property inspected individually in conjunction with each new rental agreement.'';

(3) in subparagraph (C)—

(A) in the first sentence—

(i) by inserting ''or property'' after ''dwelling unit''; and

(ii) by inserting ''or property'' after ''the unit''; and

(B) in the second sentence, by inserting ''or properties'' after ''dwelling units''; and

(4) in subparagraph (D), in the first sentence—

(A) by inserting ''or property'' after ''dwelling unit'';

(B) by inserting ''or property'' after ''payments contract for the unit''; and

(C) by inserting ''or property'' after ''whether the unit''.

## TITLE VI—PROGRAM MODERNIZATION

### SEC. 601. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) REAUTHORIZATION.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by striking subsection (p) and inserting the following:

''(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 and 2003.''.

(b) ELIGIBLE EXPENSES.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: '', which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land''.

(c) DEADLINE FOR RECAPTURE OF FUNDS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking ''if the organization or consortia has not used any grant amounts'' and inserting ''the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used'';

(B) by striking ''(or,'' and inserting '', except that such period shall be 36 months''; and

(C) by striking ''within 36 months), the Secretary shall recapture such unused amounts'' and inserting ''and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing 5 or more dwellings in connection with such grant amounts''; and

(2) in subsection (j), by inserting ''and grant amounts provided to a local affiliate of the organization or consortia that is developing 5 or more dwellings in connection with such grant amounts'' before the period at the end.

(d) TECHNICAL CORRECTION.—Section 11(e) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by striking ''consoria'' and inserting ''consortia''.

### SEC. 602. LOCAL CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a), by inserting ''National Association of Housing Partnerships,'' after ''Humanity,''; and

(2) in subsection (e), by striking ''$25,000,000'' and all that follows before the period and inserting ''to carry out this section, $40,000,000 for each of fiscal years 2001 through 2003''.

### SEC. 603. WORK REQUIREMENT FOR PUBLIC HOUSING RESIDENTS: COORDINATION OF FEDERAL HOUSING ASSISTANCE WITH STATE WELFARE REFORM WORK PROGRAMS.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

**''SEC. 36. WORK REQUIREMENT.**

''(a) IN GENERAL.—Each family residing in public housing, shall comply with the requirements of section 407 of the Social Security Act (42 U.S.C. 607) in the same manner and to the same extent as a family receiving assistance under a State program funded under part A of title IV of that Act (42 U.S.C. 601 et seq.).

''(b) WORK REQUIREMENTS.—

''(1) ANNUAL DETERMINATIONS.—

''(A) REQUIREMENT.—For each family residing in public housing that is subject to the requirement under subsection (a), the public housing agency shall, 30 days before the expiration of each lease term of the family under section 6(l)(1), review and determine the compliance of the family with the requirement under subsection (a) of this subsection.

''(B) DUE PROCESS.—Each determination under subparagraph (A) shall be made in accordance with the principles of due process and on a nondiscriminatory basis.

''(C) NONCOMPLIANCE.— If a public housing agency determines that a family subject to the requirement under subsection (a) has not complied with the requirement, the agency—

''(i) shall notify the family—

''(I) of such noncompliance;

''(II) that the determination of noncompliance is subject to the administrative grievance procedure under subsection (k); and

''(III) that, unless the family enters into an agreement under clause (ii) of this subparagraph, the family's lease will not be renewed; and

''(ii) may not renew or extend the family's lease upon expiration of the lease term and shall take such action as is necessary to terminate the tenancy of the household, unless the agency enters into an agreement, before the expiration of the lease term, with the family providing for the family to cure any noncompliance with the requirement under paragraph (1), by participating in an economic self-sufficiency program (as defined in section 12(g)) for or contributing to community service as many additional hours as the family needs to comply in the aggregate with such requirement over the 12-month term of the lease.

''(2) INELIGIBILITY FOR OCCUPANCY FOR NONCOMPLIANCE.—A public housing agency may not renew or extend any lease, or provide any new lease, for a dwelling unit in public housing for any family who was subject to the requirement under subsection (a) and failed to comply with the requirement.

''(3) INCLUSION IN PLAN.—Each public housing agency shall include in its public housing agency plan a detailed description of the manner in which the agency intends to implement and administer this subsection.''.

(b) CONFORMING AMENDMENT.—Section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)) is repealed.

### SEC. 604. SIMPLIFIED FHA DOWNPAYMENT CALCULATION.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and all that follows through ''applicability of this requirement.'' and inserting the following:

''(B) not to exceed an amount equal to—

''(i) 98.75 percent of the appraised value of the property, if such value is equal to or less than $50,000;

''(ii) 97.65 percent of the appraised value of the property, if such value is in excess of $50,000 but not in excess of $125,000;

''(iii) 97.15 percent of the appraised value of the property, if such value is in excess of $125,000; or

''(iv) notwithstanding clauses (ii) and (iii), 97.75 percent of the appraised value of the property, if such value is in excess of $50,000 and the property is in a State for which the average closing cost exceeds 2.10 percent of the average, for the State, of the sales price of properties located in the State for which mortgages have been executed, as determined by the Secretary, except that, in this clause, the term 'average closing cost' means, with respect to a State, the average, for mortgages executed for properties in the State, of the total amounts (as determined by the Secretary) of initial service charges, appraisal, inspection, and other fees and costs (as the Secretary shall approve) that are paid in connection with such mortgages.''; and

(2) by striking paragraph (10).

### SEC. 605. FLEXIBLE USE OF CDBG FUNDS.

Section 105(a)(23) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(23)) is amended by striking ''housing units acquired'' and all that follows before the semicolon and inserting the following: ''housing (A) acquired through tax foreclosure proceedings brought by a unit of State or local government, or (B) placed under the supervision of a court for the purpose of remedying conditions dangerous to life, health, and safety, in order to prevent the abandonment and deterioration of such housing primarily in low- and moderate-income neighborhoods''.

### SEC. 606. USE OF SECTION 8 ASSISTANCE IN GRANDFAMILY HOUSING ASSISTED WITH HOME FUNDS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following:

''(6) WAIVER OF QUALIFYING RENT.—

''(A) IN GENERAL.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of paragraph (1)(A) with respect to a dwelling unit if—

''(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

''(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

''(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least 1 elderly person (who is the head of household) and 1 or more of such person's grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.''.

**SEC. 607. SECTION 8 HOMEOWNERSHIP OPTION DOWNPAYMENT ASSISTANCE.**

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

''(7) DOWNPAYMENT ASSISTANCE.—

''(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2001 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

''(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

**SEC. 608. REAUTHORIZATION OF NEIGHBORHOOD REINVESTMENT CORPORATION.**

Section 608(a)(1) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8107(a)(1)) is amended by striking the first sentence and inserting the following: ''There is authorized to be appropriated to the corporation to carry out this title $90,000,000 for fiscal year 2001, $95,000,000 for fiscal year 2002, and $95,000,000 for fiscal year 2003.''.

## TITLE VII—STATE HOUSING BLOCK GRANT

**SEC. 701. STATE CONTROL OF PUBLIC AND ASSISTED HOUSING FUNDS.**

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

**''SEC. 37. STATE HOUSING BLOCK GRANT.**

''(a) PURPOSE.—The purpose of this section is to create options for States and to provide maximum freedom to States to determine the manner in which to implement assisted housing reforms.

''(b) AUTHORITY.—Notwithstanding any other provision of law, a State may assume control of the Federal housing assistance funds available to residents in that State following the execution of a performance agreement with the Secretary in accordance with this section.

''(c) PERFORMANCE AGREEMENT.—

''(1) IN GENERAL.—A State may, at its option, execute a performance agreement with the Secretary under which the provisions of law described in subsection (d) shall not apply to such State, except as otherwise provided in this section.

''(2) APPROVAL OF PERFORMANCE AGREEMENT.—A performance agreement submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 60 days after receiving the performance agreement, that the performance agreement is in violation of the provisions of this section.

''(3) TERMS OF PERFORMANCE AGREEMENT.—Each performance agreement executed pursuant to this section shall include each of the following provisions:

''(A) TERM.—A statement that the term of the performance agreement shall be 5 years.

''(B) APPLICATION OF PROGRAM REQUIREMENTS.—A statement that no program requirements of any program included by the State in the performance agreement shall apply, except as otherwise provided in this Act.

''(C) LIST.—A list provided by the State of the programs that the State would like to include in the performance agreement.

''(D) USE OF FUNDS TO IMPROVE HOUSING OPPORTUNITIES FOR LOW-INCOME INDIVIDUALS AND FAMILIES.—Include a 5-year plan describing the manner in which the State intends to combine and use the funds for programs included in the performance agreement to advance the low-income housing priorities of the State, improve the quality of low-income housing, reduce homelessness, reduce crime, and encourage self-sufficiency by achieving the performance goals.

''(E) PERFORMANCE GOALS.—

''(i) IN GENERAL.—A statement of performance goals established by the State for the 5-year term of the performance agreement that, at a minimum measures—

''(I) improvement in housing conditions for low-income individuals and families;

''(II) the increase in the number of assisted units that pass housing quality inspections;

''(III) the increase in economic opportunity and self-sufficiency and increases the number of residents that obtain employment;

''(IV) the reduction in crime and assistance to victims of crime;

''(V) the reduction in homelessness and the level of poverty;

''(VI) the cost of assisted housing units provided;

''(VII) the level of assistance provided to people with disabilities and to the elderly;

''(VIII) the success in maintaining and increasing the stock of affordable housing and increasing home ownership.

''(IX) sets numerical goals to attain for each performance goal by the end of the performance agreement.

''(ii) ADDITIONAL INDICATORS OF PERFORMANCE.—A State may identify in the performance agreement any indicators of performance such as reduced cost.

''(F) FISCAL RESPONSIBILITIES.—An assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State or community under this Act. Recipients will use Generally Accepted Accounting Principles (GAAP).

''(G) CIVIL RIGHTS.—An assurance that the State will meet the requirements of applicable Federal civil rights laws including section 25(k).

''(H) STATE FINANCIAL PARTICIPATION.—An assurance that the State will not significantly reduce the level of spending of State funds for housing during the term of the performance agreement.

''(I) ANNUAL REPORT.—An assurance that not later than 1 year after the execution of the performance agreement, and annually thereafter, each State shall disseminate widely to the general public, submit to the Secretary, and post on the Internet, a report that includes low-income housing performance data and a detailed description of the manner in which the State has used Federal funds to provide low-income housing assistance to meet the terms of the performance agreement.

''(4) AMENDMENT TO PERFORMANCE AGREEMENT.—A State may submit an amendment to the performance agreement to the Secretary under the following circumstances:

''(A) REDUCE SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend the performance agreement through a request to withdraw a program from such agreement. Upon approval by the Secretary of the amendment, the requirements of existing law shall apply for any program withdrawn from the performance agreement.

''(B) EXPAND SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend its performance agreement to include additional programs and performance indicators for which it will be held accountable.

''(d) ELIGIBLE PROGRAMS.—

''(1) IN GENERAL.—The provisions of law referred to in subsection (c), are—

''(A) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937;

''(B) the programs for project-based assistance under section 8 of the United States Housing Act of 1937;

''(C) the program for housing for the elderly under section 202 of the Housing Act of 1959;

''(D) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzales National Affordable Housing Act; and

''(2) ALLOCATION AMOUNTS.—A State may choose to combine funds from any or all the programs described in paragraph (1) without regard to the program requirements of such provisions, except as otherwise provided in this Act.

''(3) USES OF FUNDS.—Funds made available under this section to a State shall be used for any housing purpose other than those prohibited by State law of the participating State.

''(e) WITHIN-STATE DISTRIBUTION OF FUNDS.—The distribution of funds from programs included in the performance agreement from a State to a local housing agency within the State shall be determined by the State legislature and the Governor of the State. In a State in which the State constitution or State law designates another individual, entity, or agency to be responsible for housing, such other individual, entity, or agency shall work in consultation with the Governor and State legislature to determine the local distribution of funds.

''(f) SET-ASIDE FOR STATE ADMINISTRATIVE EXPENDITURES.—A State may use not more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

''(g) LEVEL OF BLOCK GRANT.—

''(1) IN GENERAL.—During the initial 5 years following execution of the performance agreement, a participating State shall receive the highest level of funding for the 3 years prior to the first year of the performance agreement in each program included in the block grant. This level will be adjusted each year by multiplying the prior year's amount by the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986.

''(2) FORMULA.—Six months after the effective date of the Local Housing Opportunities Act, the Secretary shall submit to Congress

recommendations for a block grant formula that reflects the relative low-income level and affordable housing needs of each State.

''(h) PERFORMANCE REVIEW.—

''(1) IN GENERAL.—If at the end of the 5-year term of the performance agreement a State has failed to meet at least 80 percent of the performance goals submitted in the performance agreement, the Secretary shall terminate the performance agreement and the State shall be required to comply with the program requirement, in effect at the time of termination, of each program included in the performance agreement.

''(2) RENEWAL.—A State that seeks to renew its performance agreement shall notify the Secretary of its renewal request not less that 6 months prior to the end of the term of the performance agreement. A State that has met at least 80 percent of its performance goals submitted in the performance agreement at the end of the 5-year term may reapply to the Secretary to renew its performance agreement for an additional 5-year period. Upon the completion of the 5-year term of the performance agreement or as soon thereafter as the State submits data required under the agreement, the Secretary shall renew, for an additional 5-year term, the performance agreement of any State or community that has met at least 80 percent of its performance goals.

''(i) PERFORMANCE REWARD FUND.—To reward States that make significant progress in meeting performance goals, the Secretary shall annually set aside sufficient funds to grant a reward of up to 5 percent of the funds allocated to participating States.

''(j) DEFINITIONS.—In this section:

''(1) COMMUNITY.—The term 'community' means any local governing jurisdiction within a State.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(3) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.''.

## TITLE VIII—PRIVATE SECTOR INCENTIVES

### SEC. 801. SENSE OF CONGRESS REGARDING LOW-INCOME HOUSING TAX CREDIT STATE CEILINGS AND PRIVATE ACTIVITY BOND CAPS.

(a) FINDINGS.—Congress finds that—

(1) the low-income housing tax credit and private activity bonds have been valuable resources in the effort to increase affordable housing;

(2) the low-income housing tax credit and private activity bonds effectively utilize the ability of the States to deliver resources to the areas of greatest need within their jurisdictions; and

(3) the value of the low-income housing tax credit and the private activity bonds have been eroded by inflation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the State ceiling for the low-income housing tax credit should be increased by 40 percent in the year 2000, and the level for the State ceiling should be adjusted annually to account for increases in the cost of living; and

(2) the private activity bond cap should be increased by 50 percent in the year 2000, and the value of the cap should be adjusted annually to account for increases in the cost of living.

## TITLE IX—ENFORCEMENT

### SEC. 901. PROHIBITION ON USE OF APPROPRIATED FUNDS FOR LOBBYING BY THE DEPARTMENT.

(a) IN GENERAL.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following:

**''§ 1354. Prohibition on lobbying by the Department of Housing and Urban Development**

''(a) PROHIBITION.—Except as provided in subsection (b), unless such activity has been specifically authorized by an Act of Congress and notwithstanding any other provision of law, no funds made available to the Department of Housing and Urban Development by appropriation shall be used by such agency for any activity (including the preparation, publication, distribution, or use of any kit, pamphlet, booklet, public presentation, news release, radio, television, or film presentation, video, or other written or oral statement) that in any way tends to promote public support or opposition to any legislative proposal (including the confirmation of the nomination of a public official or the ratification of a treaty) on which congressional action is not complete.

''(b) EXCEPTIONS.—

''(1) PRESIDENT AND VICE PRESIDENT.—Subsection (a) shall not apply to the President or Vice President.

''(2) CONGRESSIONAL COMMUNICATIONS.—Subsection (a) shall not be construed to prevent any officer or employee of the Department of Housing and Urban Development from—

''(A) communicating directly to a Member of Congress (or to any staff of a Member or committee of Congress) a request for legislation or appropriations that such officer or employee deems necessary for the efficient conduct of the public business; or

''(B) responding to a request for information or technical assistance made by a Member of Congress (or by any staff of a Member or committee of Congress).

''(3) PUBLIC COMMUNICATIONS ON VIEWS OF PRESIDENT.—

''(A) IN GENERAL.—Subsection (a) shall not be construed to prevent any Federal agency official whose appointment is confirmed by the Senate, any official in the Executive Office of the President directly appointed by the President or Vice President, or the head of any Federal agency described in subsection (e)(2), from communicating with the public, through radio, television, or other public communication media, on the views of the President for or against any pending legislative proposal.

''(B) NONDELEGATION.—Subparagraph (A) does not permit any Federal agency official described in that subparagraph to delegate to another person the authority to make communications subject to the exemption provided by that subparagraph.

''(c) COMPTROLLER GENERAL.—

''(1) ASSISTANCE OF INSPECTOR GENERAL.—In exercising the authority provided in section 712, as applied to this section, the Comptroller General may obtain, without reimbursement from the Comptroller General, the assistance of the Inspector General within the Department of Housing and Urban Development when any activity prohibited by subsection (a) of this section is under review.

''(2) EVALUATION.—One year after the date of enactment of this section, the Comptroller General shall report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the implementation of this section.

''(3) ANNUAL REPORT.—The Comptroller General shall, in the annual report under section 719(a), include summaries of investigations undertaken by the Comptroller General with respect to subsection (a).

''(d) PENALTIES AND INJUNCTIONS.—

''(1) PENALTIES.—

''(A) IN GENERAL.—The Attorney General may bring a civil action in the appropriate district court of the United States against any person who engages in conduct constituting an offense under this section, whether such offense is due to personal participation in any activity prohibited in subsection (a) or improper delegation to another person the authority to make exempt communications in violation of subsection (b)(3), and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not less than $5,000 and not more than $10,000 for each violation.

''(B) OTHER REMEDIES NOT PRECLUDED.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

''(2) INJUNCTIONS.—

''(A) IN GENERAL.—If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under this section, whether such offense is due to personal participation in any activity prohibited in subsection (a) or improper delegation to another person the authority to make exempt communications in violation of subsection (b)(3)—

''(i) the Attorney General may petition an appropriate district court of the United States for an order prohibiting that person from engaging in such conduct; and

''(ii) the court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense.

''(B) OTHER REMEDIES NOT PRECLUDED.—The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.

''(e) DEFINITION.—In this section, the term 'Federal agency' means—

''(1) any executive agency, within the meaning of section 105 of title 5; and

''(2) any private corporation created by a law of the United States for which the Congress appropriates funds.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1353 the following:

''1354. Prohibition on lobbying by the Department of Housing and Urban Development.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to the use of funds after the effective date of this Act, including funds appropriated or received on or before that date.

### SEC. 902. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to carry out this Act and the amendments made by this Act.

---

By Mr. WYDEN:

S. 2970. A bill to provide for summer academic enrichment programs, and for the purposes; to the Committee on Health, Education, Labor, and Pensions.

THE STUDENT EDUCATION ENRICHMENT DEVELOPMENT ACT

Mr. WYDEN. Mr. President, approximately 3.4 million students entered kindergarten in U.S. public schools last

fall, and experts predict wildly different futures for them. Many children do well throughout elementary school, only to slip and fall between the cracks in middle school. This so-called ''achievement gap'' opens wide in middle school and grows throughout high school if nothing is done to stop it.

Raising test scores in K–12 education has brought the achievement-gap issue to the forefront of the national education debate and created a new opportunity to support those states that are making a real effort to improve student achievement. But trying to close the gap by simply bumping up test standards only pushes kids out of school rather than across the gap.

Few have really looked at the most logical place to begin to close the gap: summer school. Students take their achievement tests in April but have to return to school in the Fall. Summer school is one place to begin helping students close the gap, yet the Federal government does nothing to create and support successful summer academic programs.

The legislation I am introducing today, the Student Education Enrichment Development Act, or SEED Act, will leverage summer academic programs to boost student performance. SEED will support all struggling students by providing the first federal funds to backstop state and local efforts to develop, plan, implement, and operate high quality summer academic enrichment programs.

The disparity in school performance tied to race and ethnicity, known as the achievement gap, shows up in grades, test scores, course selection, and college completion. To a large extent, these factors predict a student's success in school, whether a student will go to college, and how much money the student will earn when he or she enters the working world. It happens in cities and in suburbs and in rural school districts. The gaps are so pronounced that in 1996, several national tests found African-American and Hispanic 12th graders scoring at roughly the same levels in reading and math as white 8th graders. By 2019, when they are 24 years old, current trends indicate that the white children who are now nearing the end of their first year in school will be twice as likely as their African-American classmates, and three times as likely as Hispanics, to have a college degree.

In Oregon last year, only 52 percent of the tenth graders met the state's standard for reading, while only 36 percent met the standard for math. But students in Oregon are actually doing better than the national average. More than two-thirds of American high-school seniors graduated last year without being able to read at a proficient level. Results like these are the reason we need SEED.

This week's Time Magazine reports that at least 25 percent of our U.S. school districts are mandating summer school for struggling students—twice that number in poor urban areas. While these programs are helping some students, the results should be better. Only 40 percent of New York students who failed state exams and completed summer school passed on the state exam on their second attempt. In the Pacific Northwest, Seattle canceled its summer program after students made only meager academic gains. I ask unanimous consent that the article from Time magazine be included in the record at the conclusion of my statement.

Schools should strive to meet higher standards, and we should have high expectations for every child. But our kids should not be punished because our education system has failed them. It's time to make sure every child learns and succeeds. According to a recent study, more than half of our teachers promoted unprepared students because the current system does not provide adequate options.

High-quality summer academic programs would give struggling students a chance to succeed in a system that has failed them and help reverse the trend of poor student performance by preparing students to succeed where they have previously failed. Over the past years, we've heard a lot of rhetoric about education, but empty promises won't help our kids learn. Our children deserve more.

I am pleased to be joined by Senators LANDRIEU, BREAUX and BAYH in introducing the bill today, and ask unanimous consent that my statement and a copy 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. 2970

*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 ''Student Education Enrichment Demonstration Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) States are establishing new and higher academic standards for students in kindergarten through grade 12;

(2) no Federal funding streams are specifically designed to help States and school districts with the costs of providing students who are struggling academically, with the extended learning time and accelerated curricula that the students need to meet high academic standards;

(3) forty-eight States now require State accountability tests to determine student grade-level performance and progress;

(4) nineteen States currently rate the performance of all schools or identify low-performing schools through State accountability tests;

(5) sixteen States now have the power to close, take over, or overhaul chronically failing schools on the basis of those tests;

(6) fourteen States provide high-performing schools with monetary rewards on the basis of those tests;

(7) nineteen States currently require students to pass State accountability tests to graduate from high school;

(8) six States currently link student promotion to results on State accountability tests;

(9) excessive percentages of students are not meeting their State standards and are failing to perform at high levels on State accountability tests; and

(10) while the Chicago Public School District implemented the Summer Bridge Program to help remediate their students in 1997, no State has yet created and implemented a similar program to complement the education accountability programs of the State.

**SEC. 3. PURPOSE.**

The purpose of this Act is to provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and agencies to develop models for high quality summer academic enrichment programs that are specifically designed to help public school students who are not meeting State-determined performance standards.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(3) STUDENT.—The term ''student'' means an elementary school or secondary school student.

**SEC. 5. GRANTS TO STATES.**

(a) IN GENERAL.—The Secretary shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the agencies to assist local educational agencies in carrying out high quality summer academic enrichment programs as part of statewide education accountability programs.

(b) ELIGIBILITY AND SELECTION.—

(1) ELIGIBILITY.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

(A) have in effect all standards and assessments required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311); and

(B) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111 of the Elementary and Secondary Education Act of 1965.

(2) SELECTION.—In selecting States to receive grants under this section, the Secretary shall make the selections in a manner consistent with the purpose of this Act.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—Such application shall include—

(A) information describing specific measurable goals and objectives to be achieved in the State through the summer academic enrichment programs carried out under this Act, which may include specific measurable annual educational goals and objectives relating to—

(i) increased student academic achievement;

(ii) decreased student dropout rates; or

(iii) such other factors as the State educational agency may choose to measure; and

(B) information on criteria, established or adopted by the State, that—

(i) the State will use to select local educational agencies for participation in the summer academic enrichment programs carried out under this Act; and

(ii) at a minimum, will assure that grants provided under this Act are provided to—

(I) the local educational agencies in the State that have the highest percentage of students not meeting basic or minimum required standards for State assessments required under section 1111 of the Elementary and Secondary Education Act of 1965;

(II) local educational agencies that submit grant applications under section 6 describing programs that the State determines would be both highly successful and replicable; and

(III) an assortment of local educational agencies serving urban, suburban, and rural areas.

**SEC. 6. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

(a) IN GENERAL.—

(1) FIRST YEAR.—

(A) IN GENERAL.—For the first year that a State educational agency receives a grant under this Act, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

(iii) to assist the agencies in planning activities to be carried out under this Act.

(2) SUCCEEDING YEARS.—

(A) IN GENERAL.—For the second and third year that a State educational agency receives a grant under this Act, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

(iii) to assist the agencies in evaluating activities carried out under this Act.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing by such information as the Secretary or the State may require.

(2) CONTENTS.—The State shall require that such an application shall include, to the greatest extent practicable—

(A) information that—

(i) demonstrates that the local educational agency will carry out a summer academic enrichment program funded under this section—

(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards and that are focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

(II) that focuses on accelerated learning, rather than remediation, so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311);

(III) that is based on, and incorporates best practices developed from, research-based enrichment methods and practices;

(IV) that has a proposed curriculum that is directly aligned with State content and student performance standards;

(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities; and

(ii) may include—

(I) the proposed curriculum for the summer academic enrichment program;

(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers to participate in the program; and

(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 5(c)(2)(A);

(B) an outline indicating how the local educational agency will utilize other applicable Federal, State, local, or other funds, other than funds made available through the grant, to support the program;

(C) an explanation of how the local educational agency will ensure that only highly qualified personnel who volunteer to work with the type of student targeted for the program will work with the program and that the instruction provided through the program will be provided by qualified teachers;

(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

(E) an explanation of the facilities to be used for the program;

(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

(G) an explanation of the proposed student/teacher ratio for the program, analyzed by grade level;

(H) an explanation of the grade levels that will be served by the program;

(I) an explanation of the approximate cost per student for the program;

(J) an explanation of the salary costs for teachers in the program;

(K) a description of a method for evaluating the effectiveness of the program at the local level;

(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the adequate yearly progress goals established by the State under section 1111 of the Elementary and Secondary Education Act of 1965;

(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement; and

(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum.

(c) PRIORITY.—In making grants under this section, the State educational agency shall give priority to applicants who demonstrate a high level of need for the summer academic enrichment programs.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 50 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

**SEC. 7. SUPPLEMENT NOT SUPPLANT.**

Funds appropriated pursuant to the authority of this Act shall be used to supplement and not supplant other Federal, State, and local public or private funds expended to provide academic enrichment programs.

**SEC. 8. REPORTS.**

(a) STATE REPORTS.—Each State educational agency that receives a grant under this Act shall annually prepare and submit to the Secretary a report. The report shall describe—

(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this Act;

(2) the specific measurable goals and objectives described in section 5(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

(3) the specific measurable goals and objectives described in section 6(b)(2)(L) for each of the local educational agencies receiving a grant under this Act in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

(4) the steps that the State will take to ensure that any such local educational agency who did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report or the plan that the State has for revoking the grant of such an agency and redistributing the grant funds to existing or new programs;

(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this Act; and

(6) the degree to which progress has been made toward meeting the goals and objectives described in section 5(c)(2)(A).

(b) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this Act;

(2) how eligible local educational agencies and schools used funds provided under this Act; and

(3) the degree to which progress has been made toward meeting the goals and objectives described in sections 5(c)(2)(A) and 6(b)(2)(L).

(c) GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this Act and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

**SEC. 9. ADMINISTRATION.**

The Secretary shall develop program guidelines for and oversee the demonstration program carried out under this Act.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2004.

**SEC. 11. TERMINATION.**

The authority provided by this Act terminates 3 years after the date of enactment of this Act.

---

By Mr. HARKIN:

S. 2971. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels or fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

CLEAN AND RENEWABLE FUELS ACT OF 2000

Mr. HARKIN. Mr. President. I am introducing today legislation designed to address the extensive problems that have been caused by the gasoline additive methyl tertiary butyl ether (MTBE) and to make appropriate revisions to the reformulated gasoline (RFG) program in the Clean Air Act.

It has become absolutely clear that MTBE has to go. Even in Iowa, where we are not required to have oxygenated fuels or RFG, a recent survey found a surprising level of water contamination with MTBE. So my legislation requires a phased reduction in the use of MTBE in motor fuel and then a prohibition on MTBE in fuel of fuel additives beginning three years after enactment. Retail pumps dispensing gasoline with MTBE would be labeled so that consumers know what they are buying. And in order to facilitate an orderly phase-out of MTBE, EPA may establish a credit trading system for the dispensing and sale of MTBE.

My legislation recognizes the benefits that have been provided by the oxygen content requirement in the reformulated gasoline program. Oxygen added to gasoline reduces emissions of carbon monoxide, toxic compounds and fine particulate matter. So my legislation continues the oxygen content requirement, but it does allow for certain actions that would alleviate concerns about whether alternative oxygen additives will be available after MTBE is removed from gasoline. The bill allows for averaging of the oxygen content upon a proper showing and it also would allow for a temporary reduction or waiver of the minimum oxygen content requirement in very limited circumstances.

The legislation also ensures that all health benefits of the reformulated gasoline program are maintained and improved. The bill includes very strong provisions to ensure that there is no backsliding in air quality and health benefits from cleaner burning reformulated gasoline. The petroleum companies would also be prohibited from taking the pollutants from gasoline in some areas and putting them back into gasoline in other areas of the country that are not subject to the more stringent air quality standards. Those are referred to as the anti-dumping protections. My bill places tighter restrictions on highly polluting aromatic and olefin content of reformulated gasoline.

My legislation also recognizes the important role of renewable fuels in improving our environment, building energy security for our nation, and increasing farm income, economic growth and job creation, especially in rural areas. The legislation creates a renewable content requirement for gasoline and for diesel fuel.

Overall, this legislation will get MTBE out of gasoline, maintain and improve the air quality and health benefits of the reformulated gasoline program and the Clean Air Act, and put our nation on a solid path toward greater use of renewable fuels.

I ask unanimous consent that a section-by-section summary of my legislation be printed in the RECORD. I urge my colleagues to support this important legislation.

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

SECTION-BY-SECTION SUMMARY—CLEAN AND RENEWABLE FUELS ACT OF 2000

*Section 1. Short title*

The bill may be cited as the ''Clean and Renewable Fuels Act of 2000''

*Section 2. Use and cleanup of methyl tertiary butyl ether*

Prohibition Except in Specified Nonattainment Areas: Section 211(c) of the Clean Air Act is amended to provide that beginning January 1, 2001, a person shall not sell or dispense to ultimate consumers any fuel or fuel additive containing MTBE in any area that is not a specified nonattainment area in which reformulated gasoline is required to be used and in which MTBE was used to meet the oxygen content requirement prior to January 1, 2000.

Interim Period for Use of MTBE: The Administrator shall issue regulations requiring, during the one-year period beginning one year after enactment, a one-third reduction in the quantity of MTBE that may be sold or dispensed for use in a fuel or fuel additive, and during the one-year period beginning two years after enactment, a two-thirds reduction in the quantity of MTBE that may be sold or dispensed for use in a fuel or fuel additive. In no area may the quantity of MTBE sold or dispensed for use as a fuel or fuel additive increase.

Basis for Reductions; Equitable Treatment: The basis for reductions shall be the quantity of MTBE sold or dispensed for use as a fuel or fuel additive in the United States during the one-year period ending on the date of enactment. The regulations requiring such reductions shall to the maximum extent practicable provide for equitable treatment on a geographical basis and among manufacturers, refiners, distributors and retailers.

Trading of Authorizations to Sell or Dispense MTBE: To facilitate the most orderly and efficient reduction in the use of MTBE, the regulations may allow the sale and purchase of authorizations to sell or dispense MTBE for use in a fuel or fuel additive.

Labeling: The Administrator shall issue regulations requiring any person selling or dispensing gasoline that contains MTBE at retail prominently to label the gasoline dispensing system with a notice stating that the gasoline contains MTBE and providing such information concerning the human health and environmental risks of MTBE as the Administrator determines appropriate.

Prohibition on Use of MTBE or Other Ethers: Effective three years after enactment, a person shall not manufacture, introduce into commerce, offer for sale, sell, or dispense a fuel or fuel additive containing MTBE or any other ether compound. The Administrator may waive the prohibition on an ether compound other than MTBE upon a determination that it does not pose a significant risk to human health or the environment. The Administrator may require a more rapid reduction (including immediate termination) of the quantity of MTBE sold or dispensed in an area upon a determination of MTBE contamination or a substantial risk or contamination.

State Authority to Regulate MTBE: A State may impose such restrictions, including a prohibition, on the manufacture, sale or use of MTBE in a fuel or fuel additive as the State determines appropriate to protect human health and the environment.

Remedial Action Regarding MTBE Contamination: MTBE contamination would be prioritized in state source water assessment programs. EPA shall issue guidelines for MTBE cleanup and may enter into cooperative agreements for, and provide technical assistance to support, voluntary pilot programs for the cleanup of MTBE and the protection of private wells from MTBE contamination.

*Section 3. Reformulated gasoline—in general; oxygen content*

Opt-in Areas; General Provisions: Regulations issued for the reformulated gasoline program shall apply to specified nonattainment areas and opt-in areas. The regulations shall require the greatest possible reduction in emissions of ozone forming volatile organic and other compounds and emissions of toxic air pollutants and precursors of toxic air pollutants.

Waiver of Per-Gallon Oxygen Content Requirement: The Administrator shall issue regulations establishing a procedure providing for the submission of applications for a waiver of any per-gallon oxygen content requirement otherwise established and the averaging of oxygen content over an appropriate period of time, not exceeding a year. After consultation with the Secretary of Energy and the Secretary of Agriculture, the Administrator shall grant a petition for oxygen averaging where necessary to avoid a shortage or disruption in supply of reformulated gasoline, to avoid excessive prices for reformulated gasoline, or to facilitate attainment by the area of a national ambient air quality standard. The Administrator shall ensure that the human health and environmental benefits of the reformulated gasoline program are fully maintained during the period of any waiver.

Temporary Reduction of Oxygen Content Requirement: Upon application of a state, if the Secretary of Energy with the concurrence of the Secretary of Agriculture finds that there is an insufficient supply of oxygenates in an area the Administrator

may temporarily reduce or waive the oxygen content requirement for the area to the extent necessary to ensure an adequate supply of reformulated gasoline. A temporary waiver would be effective for 90 days, or a shorter period if a sufficient supply of oxygenates exists, and may be extended for an additional 90-day period. The regulations shall ensure that the human health and environmental benefits of the reformulated gasoline program are fully maintained during the period of any temporary waiver of the oxygen content requirement.

*Section 4. Limitations on aromatics and olefins in reformulated gasoline*

Aromatic Content: The aromatic hydrocarbon content of reformulated gasoline shall not exceed 22 percent by volume; the average aromatic hydrocarbon content shall not exceed the average aromatic hydrocarbon content of reformulated gasoline sold in either calendar year 1999 or calendar year 2000; and no gallon of reformulated gasoline shall have an aromatic hydrocarbon content in excess of 30 percent.

Olefin Content: The olefin content of reformulated gasoline shall not exceed 8 percent by volume; the average olefin content shall not exceed the average olefin content of reformulated gasoline sold in either calendar year 1999 or calendar year 2000; and no gallon of reformulated gasoline shall have an olefin content in excess of 10 percent.

*Section 5. Reformulated gasoline performance standards*

Emissions of Volatile Organic Compounds: Required reductions in VOC emissions shall be on a mass basis and, to the maximum extent practicable using available science, on the basis of ozone forming potential of VOCs and taking into account the effect on ozone formation of reducing carbon monoxide emissions.

Emissions of Toxic Air Pollutants and Precursors: The required reductions shall apply to toxic air pollutants or precursors of toxic air pollutants. The required emissions reductions shall be on a mass basis and, to the maximum extent practicable using available science, on the basis of relative toxicity or carcinogenic potency, whichever is more protective of human health and the environment.

*Section 6. Anti-backsliding*

Ozone Forming Potential: The Administrator shall revise performance standards to ensure that the ozone forming potential, taking into account all ozone precursors, of the aggregate emissions during the high ozone season from baseline vehicles using reformulated gasoline does not exceed the ozone forming potential of emissions when using reformulated gasoline that complies with the regulations in effect on January 1, 2000.

Specified Pollutants: The Administrator shall revise performance standards to ensure that the aggregate emissions of specified pollutants or their precursors when using reformulated gasoline do not exceed the aggregate emissions of such pollutants or precursors from baseline vehicles when using reformulated gasoline that complies with the regulations in effect on January 1, 2000. The specified air pollutants are toxic air pollutants, categorized by degree of toxicity and carcinogenic potency; particulate matter and fine particulate matter; pollutants regulated under section 108; and such other pollutants as the Administrator determines should be controlled to prevent deterioration of air quality and to achieve attainment of a national ambient air quality standard in one or more areas.

Adjustments for Carbon Monoxide Emissions: In carrying out the ozone anti-backsliding requirement, the Administrator shall adjust the performance standard to take into account carbon monoxide emissions that are greater or less than the carbon monoxide emissions achieved by reformulated gasoline containing 2 percent oxygen by weight and meeting other performance standards. An adjustment to the VOC emission reduction requirements under the provisions of this section shall be credited toward the requirement for VOC emissions reductions under section 182 of the Clean Air Act.

Updating of Baseline Vehicles: Not later than 3 years after enactment, the Administrator shall revise the performance standards to redefine the term ''baseline vehicles'' as used in the anti-backsliding provisions to mean vehicles representative of vehicles (including off-road vehicles) in use as of January 1, 2000.

*Section 7. Certification of fuels*

Combined Reductions of Ozone Forming VOCs and Carbon Monoxide: In certifying a fuel formulation or slate of fuel formulations as equivalent to reformulated gasoline, the Administrator shall determine whether the combined reductions in emissions of VOCs and carbon monoxide result in a reduction in ozone concentration equivalent to or greater than the reduction achieved by a reformulated gasoline meeting the statutory formula and performance requirements. A certified fuel formulation or slate of fuel formulations shall receive the same VOC reduction credit under section 182 as a reformulated gasoline meeting the statutory formula and performance requirements.

Carbon Monoxide Credit: In determining combined reductions in emissions of VOCs and carbon monoxide by a fuel formulation or slate of fuel formulations the Administrator shall consider the change in carbon monoxide emissions from baseline vehicles attributable to an oxygen content that exceeds any minimum oxygen content for reformulated gasoline applicable to the area and may consider the change in carbon monoxide emissions attributable to such oxygen content from vehicles other than baseline vehicles.

Toxic Air Pollutants and Precursors: To be certified as equivalent to reformulated gasoline, the fuel or slate of fuels must achieve equivalent or greater reduction in emissions of toxic air pollutants or precursors of toxic air pollutants than are achieved by a reformulated gasoline meeting the statutory formula and performance requirements.

Certification Subject to Anti-Backsliding Rules: The provisions on certification would clearly specify that a requirement for certification of a fuel formulation or slate of fuel formulations is compliance with the anti-backsliding provisions.

*Section 8. Additional opt-in areas*

Upon application of the Governor of a State, the Administrator shall apply the requirements relating to reformulated gasoline in any area of the State that is not a covered area or a classified area. The application shall be published in the Federal Register as soon as practicable after it is received.

*Section 9. Anti-dumping protections*

Updating Baseline Year; Additional Pollutants Covered: The Administrator shall issue regulations to ensure that gasoline sold or introduced into commerce by a refiner, blender or importer (other than gasoline covered by the reformulated gasoline rules) does not result in average per-gallon emissions of VOCs, oxides of nitrogen, carbon monoxide, toxic air pollutants, particulate matter, fine particulate matter, or any precursor of such pollutants, in excess of the emissions of each pollutants attributable to gasoline sold or introduced into commerce by the refiner, blender or importer in calendar year 1999 or calendar year 2000, in whichever year the lower emissions occurred. In the absence of adequate and reliable data for a refiner, blender or importer for calendar year 1999 or calendar year 2000, the Administrator shall substitute baseline gasoline for 1999 or 2000 gasoline.

Average Per-Gallon Emissions: In applying the anti-dumping provisions, average per-gallon emissions shall be measured on the basis of mass, and to the maximum extent practicable using available science, on the basis of ozone-forming potential, degree of toxicity and carcinogenic potency.

Aromatic Hydrocarbon and Olefin Content: Anti-dumping requirements also apply to ensure against increases in aromatic hydrocarbon or olefin content of gasoline relative to the levels in calendar year 1999 or calendar year 2000, in whichever year the content was lower.

Anti-Dumping Compliance: The Administrator shall issue regulations providing that an increase in oxides of nitrogen or volatile organic compounds caused by adding oxygenates may be offset by an equal or greater reduction in emissions of VOCs, carbon monoxide or toxic air pollutants. In making this determination, the Administrator shall measure emissions on the basis of mass, and to the maximum extent practicable using available science, on the basis of ozone-forming potential, degree of toxicity and carcinogenic potency.

*Section 10. Renewable content of gasoline and diesel fuel*

Renewable Content of Gasoline: Not later than September 1, 2000, the Administrator shall issue regulations requiring each refiner, blender or importer of gasoline to comply with renewable content requirements. On a quarterly basis, all gasoline sold or introduced into commerce shall contain the applicable percentage of fuel derived from a renewable source. The applicable percentages increase from 1.3 percent in 2000, to 2.4 percent in 2004 (coinciding with the expected prohibition of MTBE by late 2003) and to 4.2 percent in 2010 and thereafter.

Fuel Derived From A Renewable Source: The definition of fuel derived from a renewable source includes fuel produced from agricultural commodities, products and their residues; plant materials, including grasses, fibers, wood and wood residues; dedicated energy crops and trees; animal wastes, byproducts and other materials of animal origin; municipal wastes and refuse derived from plant or animal sources; and other biomass that is used to replace or reduce the quantity of fossil fuel in a fuel mixture used to operate a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine.

Credit Program: The Administrator shall establish a program for renewable fuel credit trading on a quarterly average basis. The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may issue regulations governing the generation and trading of such credits in order to prevent excessive geographical concentration in the use of fuel derived from renewable sources that would tend unduly to affect the price, supply or distribution of such fuels; impede the development of the renewable fuels industry; or otherwise interfere with the purposes of the renewable fuel content requirement.

Waiver: A waiver from the renewable content requirement may be granted for an area in whole or in part after consultation with the Secretary of Agriculture and the Secretary of Energy. The waiver may only be granted for an area upon a determination that the renewable content requirement would severely harm the economy or environment of the area, or there is inadequate

domestic supply or distribution capacity with respect to fuels from renewable sources and only after a determination that use of the credit trading program would not alleviate the circumstances on which the petition is based. A waiver shall terminate after one year, or at such earlier time as is determined appropriate by the Administrator, but may be renewed after consultation with the Secretary of Agriculture and the Secretary of Energy.

Labeling: The Administrator shall issue guidance to the States for labeling at the point of retail sale of fuel derived from a renewable source and the major fuel additive components of the fuel.

Reports to Congress: Concerning the renewable content requirement, the Administrator shall report to Congress at least every 3 years (1) regarding reductions in emissions of air pollutants; (2) in consultation with the Secretary of Agriculture, regarding the impact on demand for farm commodities, biomass and other material used for producing fuel derived from renewable sources; the adequacy of food and feed supplies; and the effect upon farm income, employment and economic growth, particularly in rural areas; and (3) in consultation with the Secretary of Energy, describing greenhouse gas emission reductions and assessing the effect on U.S. energy security and reliance on imported petroleum.

Renewable Content of Diesel Fuel: Not later than September 1, 2000, the Administrator shall issue regulations applicable to each refiner, blender, or importer of diesel fuel to ensure that diesel fuel sold or introduced into commerce in the United States complies with renewable content requirements. The Administrator shall establish requirements for the content of diesel fuel that is derived from renewable sources similar to the requirements of the program for gasoline, using the same definition of fuel derived from a renewable source. The regulations shall establish applicable percentages by volume for renewable content for diesel fuel on a quarterly basis, require a gradual increase in the renewable content of diesel fuel, and require that for calendar year 2010 and thereafter the applicable percentage shall be 1.0 percent. The regulations shall provide for credit trading and waiver applications on similar terms to those of the program for gasoline.

Prevention of effects on Highway Apportionments: States would be protected from any adverse impacts as a consequence of the sale and use within a State of ethanol in determining the payments attributable to a State paid into the Highway Trust Fund and the minimum guarantee based on payments into the Highway Trust Fund.

---

By Mr. KERRY (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 2972. A bill to combat international money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE INTERNATIONAL COUNTER-MONEY LAUNDERING AND FOREIGN ANTICORRUPTION ACT OF 2000

Mr. KERRY. Mr. President, I believe the United States must do more to stop international criminals from washing the blood off their profits from the sale of drugs, from terror or from organized crime by laundering money into the United States financial system.

That is why today, along with Senators GRASSLEY, SARBANES, LEVIN, and ROCKEFELLER, I am introducing the International Counter-Money Laundering and Foreign Anticorruption Act of 2000 which will give the Secretary of the Treasury the tools to crack down on international money laundering havens and protect the integrity of the U.S. financial system from the influx of tainted money from abroad.

I very much appreciate work of the Secretary of Treasury Lawrence Summers in the development of this legislation. Secretary Summers has been a leader in bringing the issue of money laundering to the attention of the American public and the Congress. Earlier this year, Secretary Summers said, ''The attack on money laundering is an essential front in the war on narcotics and the broader fight against organized crime worldwide. Money laundering may look like a polite form of white collar crime, but it is the companion of brutality, deceit and corruption.''

I am deeply saddened that I will not have the pleasure of working with Senator PAUL COVERDELL, who was to be the primary cosponsor of this legislation. His passing is a tremendous loss to the both to the American people and the U.S. Senate.

Money laundering is the financial side of international crime. It occurs when criminals seek to disguise money that was illegally obtained. It allows terrorists, drug cartels, organized crime groups, corrupt foreign government officials and others to preserve the profit from their illegal activities and to finance new crimes. It provides the fuel that allows criminal organizations to conduct their ongoing affairs. It has a corrosive effect on international markets and financial institutions. Money launderers rely upon the existence of jurisdictions outside the United States that offer bank secrecy and special tax or regulatory advantages to non-residents, and often complement those advantages with weak financial supervision and regulatory regimes.

Today, the global volume of laundered money is estimated to be 2–5 percent of global Gross Domestic Product, between $600 billion and $1.5 trillion. The effects of money laundering extend far beyond the parameters of law enforcement, creating international political issues while generating domestic political crises.

International criminals have taken advantage of the advances in technology and the weak financial supervision in some jurisdictions to place their illicit funds into the United States financial system. Globalization and advances in communications and technologies allow criminals to move their illicit gains faster and farther than ever before. The result has been a proliferation of international money laundering havens. The ability to launder money into the United States through these jurisdictions has allowed corrupt foreign officials to systemically divert public assets to their personal use, which in turn undermines U.S. efforts to promote democratic institutions and stable, vibrant economies abroad.

In February, State and Federal regulators formally sanctioned the Bank of New York for ''deficiencies'' in its antimoney laundering practices including lax auditing and risk management procedures involving their international banking business. The sanctions were based on the Bank of New York's involvement in an alleged money laundering scheme where more than $7 billion in funds were transmitted from Russia into the bank. Federal investigators are currently attempting to tie the $7 billion to criminal activities in Russia such as corporate theft, political graft or racketeering.

In November 1999, the minority staff of the Senate Governmental Affairs Subcommittee on Investigations released a report on private banking and money laundering. The report describes a number of incidences where high level government officials have used private banking accounts with U.S. financial institutions to launder millions of dollars from foreign governments. The report details how Raul Salinas, brother of former President of Mexico, Carlos Salinas, used private bank accounts to launder money out of Mexico. Representatives from Citigroup testified at a Subcommittee hearing that the bank had been slow to correct controls over their private banking accounts.

During the 1980's, as chairman of the Senate Permanent Subcommittee on Investigations, I began an investigation of the Bank of Credit and Commerce International (BCCI), and uncovered a complex money laundering scheme. Unlike any ordinary bank, BCCI was from its earliest days made up of multiplying layers of entities, related to one another through an impenetrable series of holding companies, affiliates, subsidiaries, banks-within-banks, insider dealings, and nominee relationships.

By fracturing corporate structure, record keeping, regulatory review, and audits, the complex BCCI family of entities was able to evade ordinary legal restrictions on the movement of capital and goods as a matter of daily practice and routine. In creating BCCI as a vehicle fundamentally free of government control, its creators developed an ideal mechanism for facilitating illicit activity by others.

BCCI's used this complex corporate structure to commit fraud involving billions of dollars; and launder money for their clients in Europe, Africa, Asia and the Americas. Fortunately, we were able to bring many of those involved in BCCI to justice. However, my investigation clearly showed that rogue financial institutions have the ability to circumvent the laws designed to stop financial crimes.

In recent years, the United States and other well-developed financial centers have been working together to improve their antimoney laundering regimes and to set international anti-

money laundering standards. Back in 1988, I included a provision in the State Department Reauthorization bill that requires major money laundering countries to adopt laws similar to our own on reporting currency, or face sanctions if they did not. Panama and Venezuela wound up negotiating what were called Kerry agreements with the United States and became less vulnerable to the placement of U.S. currency by drug traffickers in the process.

Unfortunately, other nations—some small, remote islands—have moved in the other direction. Many have passed laws that provide for excessive bank secrecy, anonymous company incorporation, economic citizenship, and other provisions that directly conflict with well-established international anti-money laundering standards. In doing so, they have become money laundering havens for international criminal networks. Some even blatantly advertise the fact that their laws protect anyone doing business from U.S. law enforcement.

Just last month, the Financial Action Task Force, an intergovernmental body developed to develop and promote policies to combat financial crime, released a report naming fifteen jurisdictions—including the Bahamas, The Cayman Islands, Russia, Israel, Panama, and the Philippines—that have failed to take adequate measures to combat international money laundering. This is a clear warning to financial institutions in the United States that they must begin to scrutinize many of their financial transactions with customers in these countries as possibly being linked to crime and money laundering. Soon, the Financial Action Task Force will develop bank advisories and criminal sanctions that will have the effect of driving legitimate financial business from these nations, depriving them of a lucrative source of tax revenue. This report has provided important information that governments and financial institutions around the world should learn from in developing their own anti-money laundering laws and policies.

The Financial Stability Forum has recently released a report that categorizes offshore financial centers according to their perceived quality of supervision and degree of regulatory cooperation. The Organization of Economic Cooperation and Development (OECD) has begun a new crackdown on harmful tax competition. Members of the European Union has reached an agreement in principle on sweeping changes to bank secrecy laws, intended to bring cross-border investment income within the net of tax authorities.

The actions by the Financial Action Task Force, the European Union and others show a renewed international focus and commitment to curbing financial abuse around the world. I believe the United States has a similar obligation to use this new information to update our anti-money laundering status.

The International Counter-Money Laundering and Anticorruption Act of 2000 which I am introducing today would provide the tools the U.S. needs to crack down on international money laundering havens and protect the integrity of the U.S. financial system from the influx of tainted money from abroad. The bill provides for actions that will be graduated, discretionary, and targeted, in order to focus actions on international transactions involving criminal proceeds, while allowing legitimate international commerce to continue to flow unimpeded. It will give the Secretary of the Treasury—acting in consultation with other senior government officials and the Congress—the authority to designate a specific foreign jurisdiction, foreign financial institution, or class of international transactions as being of ''primary money laundering concern.'' Then, on a case-by-case basis, the Secretary will have the option to use a series of new tools to combat the specific type of foreign money laundering threat we face. In some cases, the Secretary will have the option to require banks to pierce the veil of secrecy that foreign criminals hide behind. In other cases, the Secretary will have the option to require the identification of those using a foreign bank's correspondent or payable-through accounts. And if these transparency provisions were deemed to be inadequate to address the specific problem identified, the Secretary will have the option to restrict or prohibit U.S. banks from continuing correspondent or payable-through banking relationships with money laundering havens and rogue foreign banks. Through these steps, the Secretary will help prevent laundered money from slipping undetected into the U.S. financial system and, as a result, increase the pressure on foreign money laundering havens to bring their laws and practices into line with international anti-money laundering standards. The passage of this legislation will make it much more difficult for international criminal organizations to launder the proceeds of their crimes into the United States.

This bill fills in the current gap between bank advisories and International Emergency Economic Powers Act (IEEPA) sanctions by providing five new intermediate measures. Under current law, the only counter-money laundering tools available to the federal governments are advisories, an important but relatively limited measure instructing banks to pay close attention to transactions that involve a given country, and full-blown economic sanctions under the IEEPA. This legislation gives five additional measures to increase the government's ability to apply pressure against targeted jurisdictions or institutions.

This legislation will in no way jeopardize the privacy of the American public. The focus is on foreign jurisdictions, financial institutions and classes of transactions that present a threat to the United States, not on American citizens. The actions that the Secretary of the Treasury is authorized to take are designated solely to combat the abuse of our banks by specifically identified foreign money laundering threats. This legislation is in no way similar to the Know-Your-Customer regulations that were proposed by the regulators last year. Further, the intent of this legislation is not to add additional regulatory burdens on financial institutions, but, to give the Secretary of the Treasury the ability to take action against existing money laundering threats.

Let me repeat, this legislation only gives the discretion to use these tools to the Secretary of the Treasury. There is no automatic trigger which forces action whenever evidence of money laundering is uncovered. Before any action is taken, the Secretary of the Treasury, in consultation with other key government officials, must first determine whether a specific country, financial institution or type of transaction is of primary money laundering concern. Then, a calibrated response will be developed that will consider the effectiveness of the measure to address the threat, whether other countries are taking similar steps, and whether the response will cause harm to U.S. financial institutions and other firms.

This legislation will strengthen the ability of the Secretary to combat the international money laundering and help protect the integrity of the U.S. financial system. This bill is supported by the heads of all the major federal law enforcement agencies. The House Banking Committee recently reported out this legislation with a bipartisan 33–1 vote. I believe this legislation deserves consideration by the Senate during the 106th Congress.

Today, advances in technology are bringing the world closer together than ever before and opening up new opportunities for economic growth. However, with these new advantages come equally important obligations. We must do everything possible to insure that the changes in technology do not give comfort to international criminals by giving them new ways to hide the financial proceeds of their crimes. I believe that this legislation is a first step toward limiting the scourge of money laundering will help stop the development of international criminal organizations.

Mr. SARBANES. Mr. President, I am pleased to join Senators KERRY, GRASSLEY, LEVIN, and ROCKEFELLER in introducing the Clinton/Gore administration's International Counter-Money Laundering and Foreign Anti-Corruption Act of 2000 (''ICMLA''). Money laundering poses an ongoing threat to the financial stability of the United States. It is estimated by the Department of the Treasury that the global volume of laundered money accounts for between 2–5 percent of the global GDP.

The ICMLA is designed to bolster the United States ability to counter the

laundering of the proceeds of drug trafficking, organized crime, terrorism, and official corruption from abroad. The bill broadens the authority of the Secretary of the Treasury, ensures that banking transactions and financial relationships do not contravene the purposes of current antimoney laundering statutes, provides a clear mandate for subjecting foreign jurisdictions that facilitate money laundering to special scrutiny, and enhances reporting of suspicious activities. The bill similarly strengthens current measures to prevent the use of the U.S. financial system for personal gain by corrupt foreign officials and to facilitate the repatriation of any stolen assets to the citizens of countries to whom such assets belong.

First, section 101 of the ICMLA gives the Secretary of the Treasury, in consultation with other key government officials, discretionary authority to impose five new ''special measures'' against foreign jurisdictions and entities that are of ''primary money laundering concern'' to the United States. Under current law, the only countermoney laundering tools available to the federal government are advisories, an important but relatively limited measure instructing banks to pay close attention to transactions that involve a given country, and full-blown economic sanctions under the International Emergency Economic Powers Act (''IEEPA''). The five new intermediate measures will increase the government's ability to apply well-calibrated pressure against targeted jurisdictions or institutions. These new measures include: (1) requiring additional record keeping/reporting on particular transactions, (2) requiring the identification of the beneficial foreign owner of a U.S. bank account, (3) requiring the identification of those individuals using a U.S. bank account opened by a foreign bank to engage in banking transactions (a ''payable-through account''), (4) requiring the identification of those using a U.S. bank account established to receive deposits and make payments on behalf of a foreign financial institution (a ''correspondent account''), and (5) restricting or prohibiting the opening or maintaining of certain correspondent accounts.

Second, the bill seeks to enhance oversight into illegal activities by clarifying that the ''safe harbor'' from civil liability for filing a Suspicious Activity Report (''SAR'') applies in any litigation, including suit for breach of contract or in an arbitration proceeding. Under the Bank Secrecy Act (''BSA''), any financial institution or officer, director, employee, or agent of a financial institution is protected against private civil liability for filing a SAR. Section 201 of the bill amends the BSA to clarify the prohibition on disclosing that a SAR has been filed. These reports are the cornerstone of our nation's money-laundering efforts because they provide the information necessary to alter law enforcement to illegal activity.

Third, the bill enhances enforcement of Geographic Targeting Orders (''GTOs''). These orders lower the dollar thresholds for reporting transactions within a defined geographic area. Section 202 of the bill clarifies that civil and criminal penalties for violations of the Bank Secrecy Act and its regulations also apply to reports required by GTO's. In addition, the section clarifies that structuring a transaction to avoid a reporting requirement by a GTO is a criminal offense and extends the presumptive GTO period from 60 to 180 days.

Fourth, section 203 of the bill permits a bank, upon request of another bank, to include suspicious illegal activity in written employment references. Under this provision, banks would be permitted to share information concerning the possible involvement of a current or former officer or employee in potentially unlawful activity without fear of civil liability for sharing the information.

Finally, title III of the bill addresses corruption by foreign officials and ruling elites. Pursuant to a sense of Congress, the Secretary of the Treasury, in consultation with the Attorney General and the financial services regulators, is mandated to issue guidelines to financial institutions operating in the United States on appropriate practices and procedures to reduce the likelihood that such institutions could facilitate proceeds expropriated by or on behalf of foreign senior government officials.

The ICMLA addresses many of the shortcomings of current law. The Secretary of Treasury is granted additional authority to require greater transparency of transactions and accounts as well as to narrowly target penalties and sanctions. The reporting and collection of additional information on suspected illegal activity will greatly enhance the ability of bank regulators and law enforcement to combat the laundering of drug money, proceeds from corrupt regimes, and other illegal activities.

Mr. President, the House Banking Committee passed the identical antimoney laundering bill by a vote of 31 to 1 on June 8, 2000. I hope that we can move this legislation expeditiously in the Senate.

---

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2973. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MAGNUSON-STEVENS ACT AMENDMENTS OF 2000

Mr. KERRY. Mr. President, I rise today to introduce the Magnuson-Stevens Act Amendments of 2000. I would like to thank Mr. HOLLINGS for joining me as an original cosponsor of this legislation to reauthorize and update the Magnuson-Stevens Fishery Conservation and Management Act. As my colleagues and I well remember, we last substantially reauthorized the Act only four years ago with the Sustainable Fisheries Act—a three-year effort in itself. As in 1996, I look forward to working with members of the Commerce Committee as we update and improve this most important legislation.

Mr. President, the fishery resources found off U.S. shores are a valuable national heritage. In 1998, the last year for which we have figures, U.S. commercial fisheries produced $3.1 billion in dockside revenues, contributing a total of more than $25 billion to the Gross National Product. By weight of catch, the United States is the world's fifth largest fishing nation, harvesting over 4 million tons of fish annually. The United States is also a significant seafood exporter, with exports valued at over $8 billion in 1998. In addition to supporting the commercial seafood industry, U.S. fishery resources provide enjoyment for about 9 million saltwater anglers who take home roughly 200 million pounds of fish each year.

Over the past year, the Commerce Committee under Senator SNOWE's leadership has been holding a series of hearings around the country in preparation for this year's reauthorization. These hearings have pointed to one central theme—while there is certainly room for improving fisheries management under the Magnuson-Stevens Act, the sweeping changes we made in 1996 are still being implemented in each region. In fact, a number of regions are showing good progress, including New England where the yellowtail flounder and haddock stocks are rebounding. For this reason, I believe this year's reauthorization should leave in place the core conservation provisions of the Act, and focus on providing adequate resources, and any organizational or other changes necessary for NOAA Fisheries and Regional Fishery Management Councils to achieve the goals we set forth in the Sustainable Fisheries Act.

Mr. President, the bill I introduce today outlines a proposal for making this a reality. While we have added increasingly complex technical and scientific requirements to the fisheries management process, we have failed in many cases to provide the resources necessary to meet these requirements. Effective fisheries management for the future will rely on committing adequate resources and direction to the fisheries managers as well as the fishing participants. These include providing necessary funding increases to both the agency and the Councils, creation of a national observer program, establishing a nationwide cooperative research program with the fishing industry, and ensuring that we are collecting the socioeconomic data we need to design management measures that

make sense for fishermen. This legislation aims to remedy this by providing a significant increase in funding, and specifying amounts required to support both the new initiatives and existing programs.

Over the years, we have reauthorized the Magnuson-Stevens Act many times, and each time we have wrestled with the question of how to improve the ability of the Regional Fisheries Management Councils to effectively and fairly implement the requirements of the Act. This bill suggests ways in which to begin remedying these concerns. First, the bill would clarify that the Secretary of Commerce must ensure representation on the Council of all qualified persons who are concerned with fisheries conservation and management. While fishermen are the source of tremendous wisdom and expertise needed in managing these fisheries, there are others such as scientists and those with other relevant experience who may also provide valuable service to the Councils. To help the Secretary meet this requirement, the bill requires Governors to consult with members of recreational, commercial, and other fishing or conservation interests within a State before selecting a list of nominees to send to the Secretary. We would like to see all those who can provide constructive attention to our fishery management problems to work together to forge innovative and progressive solutions. In addition, we must increase independent scientific involvement in the Councils, and my legislation would provide that Councils must involve Science and Statistics Committee members in the development and amendment of fisheries management plans.

I do know of the grave concerns expressed by conservation groups, fishermen, scientists and managers about problems with the existing fishery management process. I believe we need to address these questions, both with respect to the Councils and the Agency. I would like to work on this further with my colleagues as we go forward, but in the meantime this bill asks the National Academy of Sciences to bring together international and regional experts to evaluate what works and what may be broken in the current system, and what additional changes may be necessary to modernize and make more effective our entire fishery management process.

In our series of hearings around the country, we have consistently heard a call from both industry and conservation groups for observer coverage in our fisheries. We have failed to adequately provide funding mechanisms for observer coverage; each year, federally funded observers are deployed in as few as five to seven fisheries, and observer coverage is rarely over 20 percent. Without observer coverage, there is little hope that we will have statistically significant data, particularly data on actual levels of bycatch. I have included provisions to ensure that each fishery management plan details observer coverage and monitoring needs for a fishery, and created a new National Observer Program. This national program would address technical and administrative responsibilities over regional observer programs. I have also included provisions to allow Councils or the Secretary to develop observer monitoring plans, and have established a fishery observer fund which would include funds appropriated for this purpose, collected as fines under a new bycatch incentive program, or deposited through fees established under this section.

In the 1996 reauthorization, we took a first step in dealing with the issue of bycatch by instructing NMFS to implement a standardized bycatch reporting methodology. Nonetheless, I believe we have a long way to go in dealing with the bycatch problem in many of our fisheries. In addition to establishing a national observer program, my bill would establish a task force to recommend measures to monitor, manage, and reduce bycatch and unobserved fishing mortality. The Secretary would then be charged with implementing these recommendations. In addition, I have provided for the development of bycatch reduction incentive programs that could include a system of fines, non-transferable bycatch quotas, or preferences for gear types with low-bycatch rates.

It is also time for us to move forward on ecosystem-based fishery management. We do not yet have the data to actually manage most of our fisheries on an ecosystem basis, but I still believe we must begin the preparation and consideration of fishery ecosystem plans. We must strive to understand the complex ecological and socio-economic environments in which fish and fisheries exist, if we hope to anticipate the effects that fishery management will have on the ecosystem, and the effects that ecosystem change will have on fisheries. My legislation would require each Council to develop one fishery ecosystem plan for a marine ecosystem under its jurisdiction. Each ecosystem plan would have to include a listing of data and information needs identified during development of the plan, and the means of addressing any scientific uncertainties associated with the plan.

One of the most resounding comments we heard at all of our regional hearings was the need to continually improve scientific information, and to involve the fishing industry in the collection of this information. My bill would establish a national cooperative research program, patterned after the successful cooperative research program in the New England scallop fishery, for projects that are developed through partnerships among federal and state managers, fishing industry participants, and academic institutions. Priority would be given to projects to reduce bycatch, conservation engineering projects, projects to identify and protect essential fish habitat or habitat area of particular concern, projects to collect fishery ecosystem information and improve predictive capabilities, and projects to compile social and economic data on fisheries.

Over the years, I have heard much complaint that NMFS does not communicate effectively with the fishing industry or the general public. To remedy this, my bill calls for the establishment of a fisheries outreach program within NMFS to heighten public understanding of NMFS research and technology, train Council members on implementation of National Standards 1 and 8 requirements of NEPA and the Regulatory Flexibility Act, and identify means of improving quality and reporting of fishery-dependent data. New provisions would also require improvement of the transparency of the stock assessment process and methods, and increase access and compatibility of data relied upon in fishery management decisions. I have required the Secretary to periodically review fishery data collection and assessment methods, and to establish a Center for Independent Peer Review under which independent experts would be provided for special peer review functions.

Mr. President, I have also included provisions to address one of our biggest problems in fisheries today—too many fishermen chasing too few fish. It is true that many of our fisheries are overcapitalized. A buyout in New England several years ago attempted to deal with this problem, and according to Penny Dalton, Assistant Administrator for Fisheries, in a recent USA Today article, the buyout ''jump started recovery in the New England groundfish fishery.'' A section of my bill would require the Secretary to evaluate overcapacity in each fishery, and identify measures planned or taken to reduce any such overcapacity. My legislation would amend the existing Act to ensure that capacity reduction programs also consider and address latent fishing capacity, and would allow the use of Capital Construction Funds and funds from the Fisheries Finance Program for measures to benefit the conservation and management of fisheries such as capacity reduction, as well as for gear and safety improvements.

In 1996, we enacted a new concept in defining, and requiring protection and identification of, essential fish habitat (EFH). While there has been much outcry that essential fish habitat has been identified too broadly and that EFH consultation processes have resulted in regulatory delay, GAO reports very few real problems resulting from such designations. As a result, I do not feel it is necessary to significantly modify EFH provisions. Instead, I believe we can improve the current work of NMFS and the Councils to identify EFH, and areas within them called ''habitat areas of particular concern'' (HAPCs). I have added new provisions that would require Councils to protect and identify

HAPCs as part of existing requirements to identify and protect EFH. My bill would clarify that HAPCs are to be identified pursuant to the NMFS EFH guidelines, and that these areas should receive priority identification and protection, as they are oftentimes the areas most critical to fish spawning and recruitment. It is crucial that we improve our understanding of fisheries habitat, and my bill would establish pilot cooperative research projects on fishery and non-fishery impacts to HAPCs.

Finally, Mr. President, I would like to address the issue of individual fishing quotas, which have been the subject of much debate over the past few years. There is a moratorium on these programs in place until September 30, 2000, and we have been skirting consideration of this new management tool for too long. We must begin debate and consideration of the panoply of exclusive quota-based programs that have developed over the past several years, which must include adoption of legislative guidance for these programs. For this reason, the bill suggests a set of national criteria that would permit establishment of exclusive quota based programs—including community-based quotas, fishing cooperatives, and individual fishing quotas—but still protect the concerns of those who do not wish to employ these tools. I invite all those who are concerned about these issues to engage in a discussion with my colleagues and me on the appropriate way to address this national issue as we move forward this session.

I understand the many concerns of small fishermen in New England regarding the use of these tools. First, no region would have to implement an exclusive quota-based program without approval of a 3/5 majority of eligible permit holders through a referendum process. In addition, any exclusive quota-based program developed under my legislation would have to meet a set of national criteria. These national criteria would include provisions specifically aimed at protecting small fishermen such as the following: (1) ensuring that quota-based programs provide a fair and equitable initial allocation of quota (including the establishment of an appeals process for qualification and allocation decisions), (2) preserving the historical distribution of catch among vessel categories and gear sectors, (3) considering allocation of a portion of the annual harvest specifically to small fishermen and crew members; and (4) requiring programs to consider the effects of consolidation of quota shares and establish limits necessary to prevent inequitable concentration of quota share or significant impacts on other fisheries or fishing communities. To respond to the concern that we must ensure quota-based programs meet conservation objectives, my legislation would provide a 7-year review of the performance of quota holders, including fulfillment of conservation requirements of the Act. Finally any quota-based program would have to have a plan to rationalize the fishery—which in some cases would require a buyout of excess capacity under section 312(b) of the Act.

Mr. President, I believe this legislation provides the funding, tools, and programs to ensure the important changes made in the 1996 amendments are implemented effectively and improved where necessary. During the last reauthorization, our nation's fisheries were at a crossroads, and action was required to remedy our marine resource management problems, to preserve the way of life of our coastal communities, and to promote the sustainable use and conservation of our marine resources for future generations and for the economic good of the nation. We made changes in 1996 that were good for the environment, good for the fish, and good for the fishermen. We must stay the course, and this bill will help us do just that. In addition, the bill will provide us with innovative tools, such as exclusive quota-based programs and the new national observer program, to further advance fisheries management. Mr. President, I remain committed to the goal of establishing biologically and economically sustainable fisheries so that fishing will continue to be an important part of the culture of coastal communities as well as the economy of the Nation and Massachusetts.

---

By Mrs. FEINSTEIN:

S. 2975. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Finance.

MANAGED CARE HEALTH BENEFITS INTEGRITY ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today, I am introducing the Health Benefits Integrity Act to make sure that most health care dollars that people and employers pay into a managed care health insurance plan get spent on health care and not on overhead.

Under my bill, managed care plans would be limited to spending 15 percent of their premium revenues on administration. This means that if they spend 15 percent on administration, they would spend 85 percent of premium revenues on health care benefits or services.

This bill was prompted by study by the Inspector General (IG) for the U.S. Department of Health and Human Services reported under a USA Today headline in February, ''Medicare HMOs Hit for Lavish Spending.'' The IG reviewed 232 managed care plans that contract with Medicare and found that in 1999 the average amount allocated for administration ranged from a high of 32 percent to a low of three percent. The IG recommended that the Department establish a ceiling on the amount of administrative expenditures of plans, noting that if a 15 percent ceiling had been placed in 1998, an additional $1 billion could have been passed on to Medicare beneficiaries in the form of additional benefits or reduce deductibles and copayments.

The report said, ''This review, similar OIG reviews, and other studies have shown that MCOs' [managed care organizations'] exorbitant administrative costs have been problematic and can be the source for abusive behavior.'' Here are some examples cited by the Inspector General on page 7 of the January 18 report: $249,283 for food, gifts and alcoholic beverages for meetings by one plan; $190,417 for a sales award meeting in Puerto Rico for one plan; $157,688 for a party by one plan; $25,057 for a luxury box at a sports arena by one plan; $106,490 for sporting events and/or theater tickets at four plans; $69,700 for holiday parties at three plans; and $37,303 for wine gift baskets, flowers, gifts and gift certificates at one plan.

It is no wonder that people today are angry at HMOs. When our hard-earned premium dollars are frittered away on purchases like these, we have to ask whether HMOs are really providing the best care possible. Furthermore, in the case of Medicare, we are also talking about wasted taxpayer dollars since Part B of Medicare is funded in part by the general treasury. One dollar wasted in Medicare is one dollar too much. Medicare needs all the funds it can muster to stay solvent and to be there for beneficiaries when they need it.

I feel strongly that if HMOs are to be credible, they must be more prudent in how they spend enrollees' dollars. Administrative expenses must be limited to reasonable expenses.

An October 1999 report by Interstudy found that for private HMO plans, administrative expenses range from 11 percent to 21 percent and that for-profit HMOs spend proportionately more on administrative cost than not-for-profit HMOs. This study found the lowest rate to be 3.6 percent and the highest 38 percent in California! In some states the maximums were even higher.

The shift from fee-for-service to managed care as a form of health insurance has been rapid in recent years. Nationally, 86 percent of people who have employment-based health insurance (81.3 million Americans) are in some form of managed care. Around 16 percent of Medicare beneficiaries are in managed care nationally (40 percent in California), a figure that doubled between 1994 and 1997. By 2010, the Congressional Budget Office predicts that 31 percent of Medicare beneficiaries will be in managed care. Between 1987 and 1999, the number of health plans contracting with Medicare went from 161 to 299. As for Medicaid, in 1993, 4.8 million people (14 percent of Medicaid beneficiaries) were in managed care. Today, 16.6 million (54 percent) are in managed care.

In California, the State which pioneered managed care for the nation, an estimated 88 percent of the insured are in some form of managed care. Of the 3.7 million Californians who are in Medicare, 40 percent (1.4 million) are in

managed care, the highest rate in the U.S. As for Medicaid in California, 2.5 million people (50 percent) of beneficiaries are in managed care. And so managed care is growing and most people think it is here to stay.

I am pleased to say that in California we already have a regulation along the lines of the bill I am proposing. We have in place a regulatory limit of 15 percent on commercial HMO plans' administrative expenses. This was established in my State for commercial plans because of questionable expenses like those the HHS IG found in Medicare HMO plans and because prior to the regulation, some plans had administrative expense as high as 30 percent of premium revenues.

This bill would never begin to address all the problems patients experience with managed care in this country. That is why we also need a strong Patients Bill of Rights bill. I hope, however, this bill will discourage abuses like those the HHS Inspector General found and will help assure people that their health care dollars are spent on health care and are not wasted on outings, parties, and other activities totally unrelated to providing health care services.

I call on my colleagues to join me in enacting this bill.

---

By Mrs. FEINSTEIN (for herself, Mr. BYRD, and Mrs. BOXER):

S. 2976. A bill to amend title XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children's health insurance program; to the Committee on Finance.

FAMILY HEALTH INSURANCE PROGRAM ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today, Senators BYRD, BOXER and I are introducing legislation to allow States, at their option, to enroll parents in the State-Children's Health Insurance Program, known as S–CHIP. This bill could provide insurance to 2.7 million parents nationwide and 356,000 parents in California by using unspent allocations States will otherwise lose on September 30, 2000. Congress has appropriated a total of $12.9 billion for S–CHIP for fiscal years 1998, 1999, and 2000, or about $4.3 billion for each fiscal year. California received $854.6 million in 1998, $850.6 million in 1999, and $765.5 million in 2000. Right now California stands to lose $588 million just in fiscal year 1998 funds because California has faced many hurdles in enrolling children. That is in part why we are introducing this bill, to enhance enrollment of more children and to help states use available S–CHIP funds.

S–CHIP is a low-cost health insurance program for low-income children up to age 19 that Congress created in the Balanced Budget Act of 1997. After three years, S–CHIP covers approximately two million children across the country, out of the three to four million children estimated to be eligible. Congress created it as a way to provide affordable health insurance for uninsured children in families that cannot afford to buy private insurance.

States can choose from three options when designing their S–CHIP program: (1) expansion of their current Medicaid program; (2) creation of a separate State insurance program; or (3) a combination of both approaches. In California, S–CHIP, known as Health Families, is set up as a public-private program rather than a Medicaid expansion. Healthy Families allows California families to use federal and State S–CHIP funds to purchase private managed care insurance for their children. Under the federal law, States generally cover children in families with incomes up to 200 percent of poverty, although States can go higher if their Medicaid eligibility was higher than that when S–CHIP was enacted in 1997. In California, eligibility was raised to 250 percent in November 1999, increasing the number of eligible children by 129,000.

Basic benefits in the California S–CHIP program include inpatient and outpatient hospital services, surgical and medical services, lab and x-ray services, and well-baby and well-child care, including immunizations. Additional services which States are encouraged to provide, and which California has elected to include, are prescription drugs and mental health, visions, hearing, dental, and preventive care services such as prenatal care and routine physical examinations. In California, enrollees pay a $5.00 co-payment per visit which generally applies to inpatient services, selected outpatient services, and various other health care services.

The United States faces a serious health care crisis that continues to grow as more and more people are becoming uninsured. Despite the robust health of the economy, the U.S. has seen an increase in the uninsured by nearly five million since 1994. Currently, 44 million people (or 18 percent) of the non-elderly population are uninsured. In California, 23.5 percent, or 7.3 million, are uninsured. One study cited in the May 2000 California Journal found that as many as 2,333 Californians lose health insurance every day. A May 29, 2000 San Jose Mercury article cited California's emergency room doctors who ''estimate that anywhere from 20 percent to 40 percent of their walk-in patients have no health coverage.'' This a problem that needs to be addressed now.

The bill we are introducing would allow States to expand S–CHIP coverage to parents whose children are eligible for the program. In my State, that would be families up to 250 percent of the federal poverty level. For the year 2000, the federal poverty level for a family of four is $17,050. In California, with the upper eligibility limit of 250 percent of poverty, families of four making up to $42,625 are eligible. This bill could reach approximately 2.7 million parents nationwide and more than 356,000 parents in California. The bill we are introducing retains the current funding formula, State allotments, benefits, eligibility rules, and cost-sharing requirements.

An S–CHIP expansion should be accomplished without substituting S–CHIP coverage for private insurance or other public health insurance that parents might already have. The current S–CHIP law requires that State plans include adequate provisions preventing substitution and my bill retains that. For example, many States require that an enrollee be uninsured before he or she is eligible for the program.

This bill is important for several reasons. Many State officials say that by covering parents of uninsured children we can actually cover more children. More than 75 percent of uninsured children live with parents who are uninsured. If an entire family is enrolled in a plan and seeing the same group of doctors—in other words, if the care is convenient for the whole family—all the members of the family are more likely to be insured and to stay healthy. This is a key reason for this legislation, bringing in more children by targeting the whole family.

Private health insurance in the commercial market can be very expensive. The average annual cost of family coverage in private health plans for 1999 was $5,742, according to the Kaiser Family Foundation. California has some of the lowest-priced health insurance, yet the State ranks fifth in uninsured for 1998–1996. In California, high housing costs, high gas prices, expensive commutes, and a high cost-of-living make it difficult for many California families to buy health insurance. According to the California Institute, the median price of single family home rose 17 percent, to $231,710, from February 1999 to February 2000. The California Housing Affordability Index, which measures the percentage of Californians that are able to purchase mid-priced homes, declined 11 percent from 1999 to 2000. With prices like these, many families are unable to afford health insurance even though they work full-time.

Many low-income people work for employers who do not offer health insurance. In fact, forty percent of California small businesses (those employing between three and 50 employers) do not offer health insurance, according to a Kaiser Family Foundation study in June.

We need to give hard-working, lower income American families affordable, comprehensive health insurance, and this bill does that.

The President has proposed to cover parents under the S–CHIP program. The California Medical Association and Alliance of Catholic Health Care support our bill.

Current law requires States to spend federal S–CHIP dollars within three years of the appropriation. Many States, including California, could lose millions of dollars of unspent federal

Fiscal Year 1998 funds on September 30, 2000. I am working to get an extension of that deadline. In the meantime, we could begin to cover parents while getting that extension and working to increase funds for the program. According to estimates from the Health Care Financing Administration, the following 39 States could lose the following amounts, totaling $1.9 billion. Arizona, California, Georgia, Illinois, Louisiana, Michigan, New Mexico, and Texas stand to lose the most money. These eight States alone would lose $1.4 billion.

| *States* | *Millions* |
|---|---|
| Arizona | $77.2 |
| Arkansas | 45.4 |
| California | 588.8 |
| Colorado | 12.9 |
| Connecticut | 9.4 |
| Delaware | 6 |
| District of Columbia | 2.4 |
| Florida | 41.5 |
| Georgia | 78.1 |
| Hawaii | 8.9 |
| Idaho | 4.1 |
| Illinois | 84.2 |
| Iowa | 1.4 |
| Kansas | 1.5 |
| Louisiana | 73.3 |
| Maryland | 26.7 |
| Michigan | 51.4 |
| Minnesota | 28.3 |
| Montana | 1.8 |
| Nevada | 18.6 |
| New Hampshire | 7.5 |
| New Jersey | 2 |
| New Mexico | 57.9 |
| North Dakota | 2.9 |
| Ohio | 19.8 |
| Oklahoma | 37.6 |
| Oregon | 18.3 |
| Pennsylvania | 0.64 |
| Rhode Island | 4.6 |
| South Dakota | 4.4 |
| Tennessee | 26.4 |
| Texas | 443.6 |
| Utah | 1.7 |
| Vermont | 1.6 |
| Virginia | 38.4 |
| Washington | 45.1 |
| West Virginia | 11.3 |
| Wisconsin | 23 |
| Wyoming | 6.9 |

Our bill would offer another option for States like mine to use these unspent funds.

I urge my colleagues to join us in supporting and passing this bill. By giving States the option to cover parents—whole families—we can reduce the number of uninsured with existing funds and encourage the enrollment of more children and we can help keep people healthy by better using this valuable, but currently under-utilized program.

---

By Mrs. FEINSTEIN:

S. 2977. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; to the Committee on Energy and Natural Resources.

BILL TO ESTABLISH AN INTERPRETIVE CENTER AROUND DIAMOND VALLEY LAKE

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce a bill today to benefit 17 million citizens of Southern California and visitors from around the country and world through the development of the Western Center for Archaeology and Paleontology. At this center, visitors will be able to marvel at the archaeological and paleontological past of inland southern California.

This bill would help create an interpretive center and museum around Diamond Valley Lake to highlight the animals and habitat of the Ice Age up to the European settlement period.

I understand that the paleontological resources are world class and include hundreds of thousands of historic and pre-historic artifacts. These include a mastodon skeleton, a mammoth skeleton, a seven-foot long tusk, and bones from extinct species previously not believed to have lived in the area, including the giant long-horned bison and North American lion.

Additionally, visitors will enjoy unprecedented recreational opportunities through a system of hiking, biking, and equestrian trails wandering through the grasslands, chaparral, and oak groves that surround the reservoir.

The total cost of the project is $58 million. The State has agreed to commit one quarter of the tab, the Metropolitan Water District has agreed to contribute one-quarter, and other local governments will also contribute one-quarter. This bill would authorize the federal government's share of one-quarter or $14 million.

I urge the Senate to adopt this legislation.

---

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. BAUCUS, Mr. KERREY, Mr. KOHL, Mr. AKAKA, Mr. JOHNSON, Mr. REID, Mr. KENNEDY, and Mr. DODD):

S. 2978. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

THE TRIBAL COLLEGE OR UNIVERSITY LOAN FORGIVENESS ACT.

Mr. DASCHLE. Mr. President, our tribal colleges and universities have come to play a critically important role in educating Native Americans across the country. For more than 30 years, these institutions have proven instrumental in providing a quality education for those who had previously been failed by our mainstream educational system. Before the tribal college movement began, only six or seven out of 100 Native American students attended college. Of those few, only one or two would graduate with a degree. Since these institutions have curricula that is culturally relevant and is often focused on a tribe's particular philosophy, culture, language and economic needs, they have a high success rate in educating Native American people. As a result, I am happy to say that tribal college enrollment has increased 62 percent over the last six years.

The results of a tribal college education are impressive. Recent studies show that 91 percent of 1998 tribal college and university graduates are working or pursuing additional education one year after graduating. Over the last ten years, the unemployment rate of recently polled tribal college graduates was 15 percent, compared to 55 percent on many reservations overall.

While tribal colleges and universities have been highly successful in helping Native Americans obtain a higher education, many challenges remain to ensure the future success of these institutions. These schools rely heavily on federal resources to provide educational opportunities for all students. As a result, I strongly support efforts to provide additional funding to these colleges through the Interior, Agriculture and Labor, Health and Human Services, and Education Appropriations bills.

In addition to resource constraints, administrators have expressed a particular frustration over the difficulty they experience in attracting qualified individuals to teach at tribal colleges. Geographic isolation and low faculty salaries have made recruitment and retention particularly difficult for many of these schools. This problem is increasing as enrollment rises.

That is why I am introducing the Tribal College or University Loan Forgiveness Act. This legislation will provide loan forgiveness to individuals who commit to teach for up to five years in one of the 32 tribal colleges nationwide. Individuals who have Perkins, Direct, or Guaranteed loans may qualify to receive up to $15,000 in loan forgiveness. This program will provide these schools extra help in attracting qualified teachers, and thus help ensure that deserving students receive a high quality education.

This measure will benefit individual students and their communities. By providing greater opportunities for Native American students to develop skills and expertise, this bill will spur economic growth and help bring prosperity and self-sufficiency to communities that desperately need it. Native Americans and the tribal college system deserve nothing less. I believe our responsibility was probably best summed up by one of my state's greatest leaders, Sitting Bull. He once said, ''Let us put our minds together and see what life we can make for our children.''

I am pleased that Senators BINGAMAN, CONRAD, BAUCUS, KERREY, KOHL, AKAKA, JOHNSON, REID, KENNEDY, and DODD are original cosponsors of this bill, and I look forward to working with my colleagues to pass this important legislation.

I ask unanimous consent that the text of the Tribal Colleges or University Loan Forgiveness Act be printed in the RECORD following my remarks.

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

S. 2978

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

**SECTION 1. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.**

(a) SHORT TITLE.—This Act may be cited as the ''Tribal College or University Teacher Loan Forgiveness Act''.

(b) PERKINS LOANS.—

(1) AMENDMENT.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (H), by striking ''or'' after the semicolon;

(ii) in subparagraph (I), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(J) as a full-time teacher at a tribal College or University as defined in section 316(b).''; and

(B) in paragraph (3)(A)(i), by striking ''or (I)'' and inserting ''(I), or (J)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective for service performed during academic year 1998–1999 and succeeding academic years, notwithstanding any contrary provision of the promissory note under which a loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) was made.

(c) FFEL AND DIRECT LOANS.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

**''SEC. 493C. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.**

''(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a program, through the holder of a loan, of assuming or canceling the obligation to repay a qualified loan amount, in accordance with subsection (b), for any new borrower on or after the date of enactment of the Tribal College or University Teacher Loan Forgiveness Act, who—

''(1) has been employed as a full-time teacher at a Tribal College or University as defined in section 316(b); and

''(2) is not in default on a loan for which the borrower seeks repayment or cancellation.

''(b) QUALIFIED LOAN AMOUNTS.—

''(1) PERCENTAGES.—Subject to paragraph (2), the Secretary shall assume or cancel the obligation to repay under this section—

''(A) 15 percent of the amount of all loans made, insured, or guaranteed after the date of enactment of the Tribal College or University Teacher Loan Forgiveness Act to a student under part B or D, for the first or second year of employment described in subsection (a)(1);

''(B) 20 percent of such total amount, for the third or fourth year of such employment; and

''(C) 30 percent of such total amount, for the fifth year of such employment.

''(2) MAXIMUM.—The Secretary shall not repay or cancel under this section more than $15,000 in the aggregate of loans made, insured, or guaranteed under parts B and D for any student.

''(3) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to repay a loan made, insured, or guaranteed under part B or D for a borrower who meets the requirements of subsection (a), as determined in accordance with regulations prescribed by the Secretary.

''(c) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

''(e) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

''(f) DEFINITION.—For purposes of this section, the term 'year', when applied to employment as a teacher, means an academic year as defined by the Secretary.''.

---

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2979. A bill to amend the Internal Revenue Code of 1986 to clarify the status of professional employer organizations and to promote and protect the interests of professional employer organizations, their customers, and workers; to the Committee on Finance.

PROFESSIONAL EMPLOYER ORGANIZATION WORKERS BENEFITS ACT OF 2000

Mr. GRAHAM. Mr. President, today along with my Finance Committee colleague, Senator MACK, I am introducing the Professional Employer Organization Workers Benefits Act of 2000. This legislation will expand retirement and health benefits for workers at small and medium-sized businesses in this country.

The bill makes it easier for certified professional employer organizations (PEO's) to assist small and medium-sized businesses in complying with the many responsibilities of being an employer. It permits PEO's to collect Federal employment taxes on behalf of the employer and provide benefits to the small business' workers. For many of these workers, the pension, health and other benefits that a PEO provides would not be available from the small business itself because they are too costly for the small business to provide on its own. The average client of a PEO is a small business with 18 workers and an average wage of $20,000. PEO's have the expertise and can take advantage of economies of scale to provide health and retirement benefits in an affordable and efficient manner.

A recent Dunn & Bradstreet survey of small businesses reveled that only 39 percent offered health care and just 19 percent offer retirement plans. We must take every opportunity to assist these small businesses in providing retirement and health benefits to their employees. PEO's offer one creative way to bridge the gap between what workers need and what small businesses can afford to provide. In fact, one analyst at Alex. Brown & Sons estimates that 40 percent of companies in a PEO coemployment relationship upgrade their total employee benefits package as a result of the partnership with the PEO. Twenty-five percent of those companies offer health and other benefits for the first time.

Over the past few years, small and medium-sized businesses have sought out the services offered by PEO's. In response, many states have created programs to recognize, license and regulate PEO's to ensure that a viable industry could grow. Unfortunately, federal law has not kept pace. Current rules for who can collect employment taxes and provide benefits do not fit with the PEO model. Under some interpretations, PEO's would be prohibited from performing the very services that small businesses are asking them to undertake.

This legislation clarifies the tax laws to make it clear that PEO's meeting certain standards will be able to assist small businesses in providing employee benefits and collecting Federal employment taxes. This bill is a narrower version of a provision that was included in the pension legislation I sponsored in the last Congress. This new bill incorporates comments we received from interested parties over the course of the past year, including those received from the Treasury and Labor Departments. As a result the bill we are introducing today is much improved from previous versions.

In addition, I would like to make clear what this bill does not do. Unlike earlier versions, this legislation applies only to PEO's, and not to temporary staffing agencies. Further, this bill applies only to the two specific areas of tax law—employment taxes and employee benefits. It does not affect any other law nor does it affect the determination of who is the employer for any other purpose. The bill specifically provides that it creates no inferences with respect to those issues.

I am hopeful that, with this narrower focus, this legislation can be considered on its own merits, without getting bogged down in larger disputes involving contingent workforces and independent contractors. Those issues are important ones that Congress may want to examine, but we should not allow them to delay resolution of the unrelated PEO issued addressed by this bill.

I look forward to working with Senator MACK, my other colleagues on the Finance Committee, and the administration to move this bill during the 106th Congress so that we can help small- and medium-sized businesses operate more efficiently while at the same time expanding the benefits available to their workers.

Mr. President, I ask unanimous consent that the following explanation of the bill be printed in the RECORD.

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

TECHNICAL EXPLANATION OF PROFESSIONAL EMPLOYER ORGANIZATION WORKERS BENEFITS ACT OF 2000

The bill would amend the Internal Revenue Code of 1986 to clarify the treatment of certain qualifying organizations—called Certified Professional Employer Organizations (CPEOs)—for employee benefit and employment tax purposes. Generally, the bill provides that an entity which meets certain requirements may be certified as a CPEO by the Internal Revenue Service (IRS) and will be allowed (1) to take responsibility for employment taxes with respect to worksite employees of an unrelated client and (2) to provide such workers with employee benefits

under a single employer plan maintained by the CPEO.

While the legislation will allow the CPEO to take responsibility for certain functions, the bill expressly states (1) that it does not override the common law determination of an individual's employer and (2) that it will not affect the determination of who is a common law employer under federal tax laws or who is an employer under other provisions of law (including the characterization of an arrangement as a MEWA under ERISA). Status as a CPEO (or failure to be a CPEO) will also not be a factor in determining employment status under current rules.

CERTIFICATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS

In order to be certified as a CPEO, an entity must demonstrate to the IRS by written application that it meets (or, if applicable, will meet) certain requirements. Generally, the requirements for certification will be developed by the IRS using the ERO (electronic return originator) program and the requirements to practice before the IRS (as described in Circular 230) as a model. Standards will include review of the experience of the PEO and issuance of an opinion by a certified public accountant on the CPEOs financial statements. As part of the certification process, the applicant must disclose any criminal complaints against it, its principal owners and officers, or related entities, and any incidence of failure to timely file tax returns or pay taxes (either income or employment taxes) by it, its principal owners and officer, or related entities. The IRS would have the ability to do a background and tax check of the applicant, its principal owners and officers, or related entities, and may reject an application on the basis of information determined in that process. In addition, in order to be certified, a CPEO must represent that it (or the client) will maintain a qualified retirement plan for the benefit of 95% of worksite employees.

The CPEO must notify the IRS in writing of any change that affects the continuing accuracy of any representation made in the initial certification request. In addition, after initial certification, the CPEO must continue to file copies of its audited financial statements with the IRS by the last day of the sixth month following the end of the fiscal year. Procedures would be established for suspending or revoking CPEO status (similar to those under the ERO program). There would be a right to administrative appeal from an IRS denial, suspension, or revocation or certification.

CPEO RELATIONSHIP WITH PARTICULAR WORKERS

After certification, a CPEO will be allowed to take responsibility for employment taxes and to provide employee benefits to ''worksite employees.'' A worker who performs services at a client's worksite is a ''worksite employee'' if the worker (and at least 85% of the individuals working at the worksite) are subject to a written service contract that expressly provide that the CPEO will:

(1) Assume responsibility for payment of wages to the worker, without regard to the receipt or adequacy of payment from the client for such services;

(2) Assume responsibility for employment taxes with respect to the worker, without regard to the receipt or adequacy of payment from the client for such services;

(3) Assume responsibility for any worker benefits that may be required by the service contract, without regard to the receipt or adequacy of payment from the client for such services;

(4) Assume shared responsibility with the client for firing the worker and recruiting and hiring any new worker; and

(5) Maintain employee records.

(6) Agrees to be treated as a CPEO with respect to the worksite employees covered under the agreement.

For this purpose, a worksite is defined as a physical location at which a worker generally performs service or, if there is no such location, the location from which the worker receives job assignments. Contiguous locations would be treated as a single physical location. Noncontiguous locations would generally be treated as separate worksites, except that each worksite within a reasonably proximate area would be required to satisfy the 85% test for the workers at that worksite.

While the determination of whether noncontiguous locations are reasonably proximate is a facts and circumstances determination, certain situations will be deemed not to be reasonably proximate. If the worksite is separated from all other client worksites by at least 35 miles, it will not be considered reasonably proximate. Thus, a client (or any member of its controlled group) that maintains two worksites that are more than 35 miles apart could treat the worksites as separate for purposes of applying the 85% standard. Within a 35-mile radius, a worksite will not be considered reasonably proximate to another if the worksite operates in a different industry or industries from other worksites within the 35-mile radius pursuant to standards similar to those established in Revenue Procedure 91–64 (relating to industry classification codes). For example, a client that maintained a restaurant and a hardware store in the same town could treat them as separate worksites because they are in different industries. In addition, based on all the facts and circumstances, under rules prescribed by the IRS, a worksite would not be reasonably proximate if it operates independently for a bona fide business reason (that is unrelated to employment taxes and employee benefits). For example, a convenience store and a restaurant which have no supervisory personnel in common but which are under common ownership control could, under rules prescribed by the IRS, be treated as different worksites. Similarly, two noncontiguous wholesale and retail operations owned by the same individual but which are operated independently (including independent supervisory personnel) may, under rules prescribed by the IRS, be determined to be not reasonably proximate.

The 85% rule generally is intended to describe the typical, non-abusive PEO arrangement whereby a business contracts with a PEO to take over substantially all its workers at a particular worksite. The 85% rule is intended to ensure that the benefits of the bill are not available in any situation in which a business uses a PEO arrangement to artificially divide its workforce.

CPEO EMPLOYEE BENEFIT PLANS

To the extent consistent with the Internal Revenue Code and corresponding provisions of other federal laws, the CPEO may generally provide worksite employees with most types of retirement plans or other employee benefit plans that the client could provide. Worksite employees may not, however, be offered a plan that the client would be prohibited from offering on its own. For example, if the client is a state or local government, worksite employees performing services for that client may not be offered participation in a section 401(k) plan. Similarly, a CPEO may not maintain a plan that it would be prohibited from offering on its own (e.g., a section 403(b) plan). However, an eligible client could maintain such a plan.

Size Limitations.—In general, employee benefit provisions (in the Internal Revenue Code and in directly correlative provisions in other Federal laws) that reference the size of the employer or number of employees will generally be applied based on the size or number of employees and worksite employees of the CPEO. For example, worksite employees will be entitled to COBRA health care continuation coverage even if the client would have qualified for the small employer exception to those rules. Similarly, a CPEO welfare benefit plan will be treated as a single employer plan for purposes of Internal Revenue Code section 419A(f)(6). Plan reporting requirements are met at the CPEO level. However, a client which could meet the size requirements for eligibility for an MSA or a SIMPLE plan could contribute to such an arrangement maintained by the CPEO.

Nondiscriminaiton Testing.—The legislation intends that clients of a CPEO will not generally receive significantly better or worse treatment with respect to coverage, nondiscrimination or other Internal Revenue Code rules than they would get outside of the CPEO arrangement. Consequently, nondiscrimination and other rules of the Code relating to retirement plans (including sections 401(a)(4), 401(a)(17), 401(a)(26), 401(k), 401(m), 410(b) and 416 and similar rules applicable to welfare and fringe benefit plans such as section 125) will generally be applied on a client-by-client basis.

The portion of the CPEO plan covering worksite employees with respect to a client will be tested taking into account the worksite employees at a client location and all other nonexcludable employees of the client taking into account 414(b), (c), (m), (n) (with respect to workers not otherwise included as worksite employees) and (o), but one client's worksite employees would not be included in applying the coverage or other nondiscrimination rules (1) to portions of the CPEO plan covering worksite employees of other clients, (2) to the portion of the CPEO plan covering nonworksite employees, (3) to other plans maintained by the CPEO (except to the extent such plan covers worksite employees of the same client), or (4) to other plans maintained by members of the CPEO's controlled group.

The legislation also treats any worksite employees as ''per se'' leased employees of the client, thus requiring clients to include all worksite employees in plan testing. In accordance with current leased employee rules, the client would take into account CPEO plan contributions or benefits made on behalf of worksite employees of that client. Consistent with this treatment of worksite employees, the client would be permitted to cover worksite employees under any employee benefit plan maintained by the client and compensation paid by the CPEO to worksite employees would be treated as paid by the client for purposes of applying applicable qualification tests.

For example, assume a CPEO maintained a plan covering worksite employees performing services for Corporation X, worksite employees performing services for Corporation Y, and employees of the CPEO who are not worksite employees. In that case the nondiscrimination tests would be applied separately to the portions of the plan covering (1) worksite employees performing services for Corporation X; (2) worksite employees performing services for corporation Y, and (3) CPEO employees who are not worksite employees, as if each of (1), (2), and (3) were a separate plan. In addition, worksite employees performing services for Corporation X, for example, would be per se leased employees of Corporation X and thus would be included in testing any other plans maintained by Corporation X or any members of Corporation X's controlled group. Similarly, the CPEO workforce (other than worksite employees) will be treated as a separate employer for testing purposes (and will

be included in applying the nondiscrimination rules to any plans maintained by the CPEO or members of its controlled group).

In applying nondiscrimination rules to plans maintained by other entities within the CPEO's controlled group for workers who are not worksite employees, worksite employees will not be taken into account. Thus, in the example above, worksite employees performing services for Corporation X or Corporation Y would not be taken into account in testing plans maintained by other members of the CPEO's controlled group.

For purposes of testing a particular client's portion of the plan under the rules above, general rules applicable to that client would apply as if the client maintained that portion of the plan. Thus, if the terms of the benefits available to the client's worksite employees satisfied the requirements of the section 401(k) testing safe harbor, then that client could take advantage of the safe harbor. Similarly, a client that meets the eligibility criteria for a SIMPLE 401(k) plan would be allowed to utilize the SIMPLE rules to demonstrate compliance with the applicable nondiscrimination rules for that client.

Application of certain other qualified plan and welfare benefit plan rules will generally be determined as if the client and the CPOE are a single employer (consistent with the principle that the CPEO arrangement will not result in better or worse treatment). Thus, there would be a single annual limit under section 415. Section 415 will provide that any cutbacks required as a result of the single annual limit will be made in the client plan. Deduction limits and funding requirements would apply at the CPEO level. In addition, if the client portion of a plan is part of a top heavy group, any required top heavy minimum contribution or benefit will generally need to be made by the CPEO plan. There will be complete ''crediting'' of service for all benefit purposes. The ''break in service'' rules for plan vesting will be applied with respect to worksite employees using rules generally based on Code section 413.

The bill also provides the Secretary with the authority to promulgate rules and regulations that streamline, to the extent possible, the application of certain requirements, the exchange of information between the client and the CPEO, and the reporting and record keeping obligations of the CPEO with respect to its employee benefit plans.

Worksite employees will not generally be entitled to receive plan distributions of elective deferrals until the worker leaves the CPEO group. In cases where a client relationship terminates with a CPEO that maintains a plan, the CPEO will be able to ''spin off'' the former client's portion of the plan to a new or existing plan maintained by the client. Where the terminated client does not establish a plan or wish to maintain the client's portion of the CPEO plan, the CPEO plan may distribute elective deferrals of worksite employees associated with a terminated client only in a direct rollover to an IRA designated by the worker. In the event that no such IRA is designated before the second anniversary of the termination of the CPEO/client relationship the assets attributable to a client's worksite employees may be distributed under the general plan terms (and law) that applies to a distribution upon a separation from service or severance from employment after that time.

Similar to IRS practice in multiple employer plans, disqualification of the entire plan will occur if a nondiscrimination failure occurs with respect to worksite employees of a client and either that failure is not corrected under one of the IRS correction programs or that portion of the plan is not spun off and/or terminated. If that portion of the plan is corrected or spun off and/or terminated, then the failure of a CPEO retirement plan to satisfy applicable nondiscrimination requirements with respect to that client will not result in the disqualification of the plan as applied to other clients. Existing government programs for correcting violations would be available to the CPEO for the plan and, in the case of nondiscrimination failures tested at the client level, to the client portion of the plan with the fee to be based on the size of the affected client's portion of the plan. Moreover, the CPEO plan will be treated as one plan for purposes of obtaining a determination letter.

EMPLOYMENT TAX LIABILITY

An entity that has been certified as a CPEO must accept responsibility for employment taxes with respect to wages it pays to worksite employees performing services for clients. Such liability will be exclusive or primary, as provided below. It is expected that the CPEO would (as provided by the Secretary) be required, on an ongoing basis, to provide the IRS with a list of clients for which employment tax liability has been assumed and a list of clients for whom it no longer has employment tax liability. Reporting and other requirements that apply to an employer with respect to employment taxes would generally apply to the CPEO for remuneration remitted by the CPEO (as provided by the Secretary). In addition, the remittance frequency of employment taxes will be determined with reference to collections and the liability of the CPEO.

Wages paid by the client during the calendar year prior to the assumption of employment tax liability would be counted towards the applicable FICA or FUTA tax wage base for the year in determining the employment tax liability of the CPEO (and vice versa). Exceptions to payments as wages or activities as employment, and thus to the required payment of employment taxes, are determined by reference to the client. Also, for purposes of crediting state unemployment insurance (SUI) taxes against FUTA tax liability, payments by the CPEO (or transmitted by the CPEO for the client) with respect to worksite employees would be taken into account. Thus, in determining FUTA liability, CPEO's would be treated as the employer for crediting SUI collection purposes on essentially the same terms as they would be authorized to process wage withholding, FICA and FUTA. The bill is, however, limited to Federal law and does not address the issue of whether a CPEO (i) would be eligible for successor status for SUI tax collection or (ii) how the state experience rating formula would be applied to the CPEO. Determinations with respect to these issues will be made pursuant to state law.

A CPEO will have exclusive liability for employment taxes with respect to wage payments made by the CPEO to worksite employees (including owners of the client who are worksite employees) if the CPEO meets the net worth requirement and, at least quarterly, an examination level attestation by an independent Certified Public Accountant attesting to the adequate and timely payment of federal employment taxes has been filed with the IRS.

The net worth requirement is satisfied if the CPEO's net worth (less goodwill and other intangibles) is, on the last day of the fiscal quarter preceding the date on which payment is due and on the last day of the fiscal quarter in which the payment is due, at least:

$50,000 if the number of worksite employees is fewer than 500;

$100,000 if the number of worksite employees is 500 to 1,499;

$150,000 if the number of worksite employees is 1,500 to 2,499;

$200,000 if the number of worksite employees is 2,500 to 3,999; and

$250,000 if the number of worksite employees is more than 3,999;

In the alternative, the net worth requirement could be satisfied through a bond (for employment taxes up to the applicable net worth amount) similar to an appeal bond filed with the Tax Court by a taxpayer or by an insurance bond satisfying similar rules.

Within 60 days after the end of each fiscal quarter, the CPEO will provide the IRS with an examination level attestation from an independent certified public accountant that states that the accountant has found no material reason to question the CPEO's assertions with respect to the adequacy of federal employment tax payments for the fiscal quarter. In the event that such attestation is not provided on a timely basis, the CPEO will cease to have exclusive liability with respect to employment taxes (regardless of the net worth or bonding requirement) effective the due date for the attestation. Exclusive liability will not be restored until the first day of the quarter following two successive quarters for which an examination level attestations were timely filed. In addition, the Secretary will have the authority, under final regulations, to provide limits on a CPEO's exclusive liability for employment taxes with respect to a particular customer in cases where there is an undue and large risk with respect to the ultimate collection of those taxes.

For any tax period for which any of these criteria for exclusive liability for employment taxes are not satisfied, or to the extent the client has not made adequate payments to the CPEO for the payment of wages, taxes, and benefits, the CPEO will have primary liability and the client will have secondary liability for employment taxes. In that instance, the IRS will assess and attempt to collect unpaid employment taxes against the CPEO first and may not generally take any action against a client with respect to liability for employment taxes until at least 45 days following the date the IRS mails a notice and demand to the CPEO. For this purpose, the statute of limitations for assessment or collection against the client will not expire until one year after the date that is 45 days after mailing of notice and demand to the CPEO (in the same manner as transferee liability under section 6901(c)). With respect to employment taxes attributable to periods during which a CPEO has liability, the client will be liable to the IRS for taxes, penalties (applicable to client actions or to the time periods after assessment of the client for the taxes), and interest (with such liability to be reduced by amounts paid to the IRS by the CPEO that are allocable, under rules to be determined by the IRS, to the client).

EFFECTIVE DATE

These provisions will be effective on January 1, 2002. The IRS will be directed to establish the PEO certification program at least three months prior to the effective date. The bill directs the IRS to accommodate transfers of assets in existing plans maintained by a CPEO or CPEO clients into a new plan (or amended plan) meeting the requirements of the legislation (e.g., client-by-client nondiscrimination testing) without regard to whether or not such plans might fail the exclusive benefit rule because worksite employees might be considered common law employees of the client.

Mr. THOMAS. Mr. President, I rise today to join my colleagues in introducing the ''Rural Health Care in the 21st Century Act.'' I am pleased to have worked with my colleagues in crafting this bill that will address the

needs of rural providers and beneficiaries as we begin the new century.

This legislation establishes a grant and loan program to assist rural providers in acquiring the necessary technologies to improve patient safety and meet the continually changing records management requirements. Rural hospitals and other providers do not have the capital needed to purchase these expensive technologies nor the resources to train their staff. This new program will enable these providers to purchase such crucial equipment as patient tracking systems, bar code systems to avoid drug errors and software equipped with artificial intelligence.

Another reason this legislation is so important is because it will bring equity to the Medicare Disproportionate Share Hospital (DSH) program, which has been inherently biased against rural providers since it was implemented in 1986. The premise of this program is to give hospitals that provide a substantial amount of care to low-income patients additional funding to assist with the higher costs associated with caring for this population.

Mr. President, the current DSH program does almost nothing for rural hospitals because different eligibility requirements have been established for rural and urban providers. To qualify for the increased payments the DSH program provides, urban hospitals are required to demonstrate that 15 percent of their patient load consists of Medicaid patients and Medicare patients eligible for Supplemental Security Income. However, rural hospitals must meet a higher threshold of 45 percent. Mr. President, there is no justification for this inequity. Our bill will level the playing field by applying the same eligibility threshold currently enjoyed by urban hospitals to all rural hospitals as well. According to the Medicare Payment Advisory Commission this reform will open the door for 55 percent of all rural hospitals to benefit from the DSH program—a significant increase over the 15.6 percent of rural hospitals currently participating.

The ''Rural Health Care in the 21st Century Act'' also addresses other inequities faced by rural providers because federal regulators do not adequately reflect the unique circumstances of delivering health care in rural America. This bill provides rural home health agencies with a 10 percent bonus payment as they have average per episode costs that are 20 percent higher than urban agencies.

Rural Health Clinics and Critical Access Hospitals are a key component of maintaining access to primary and emergency services in rural communities. This legislation makes modifications to the Balanced Budget Act to ensure these providers will continue to be an integral part of the rural health care delivery system.

Mr. President, I believe this bill is an important step in ensuring rural providers are treated equally under federal programs. This equalization must be accomplished so we can guarantee that rural Medicare beneficiaries have the same choices and access to services as their urban counterparts.

---

By Mr. BROWNBACK (for himself, Mr. DASCHLE, Mr. DEWINE, Mr. KERREY, Mr. GRASSLEY, Mr. BYRD, and Mr. LUGAR):

S. 2982. A bill to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the building of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change; to the Committee on Finance.

INTERNATIONAL CARBON SEQUESTRATION INCENTIVE ACT

Mr. BROWNBACK. Mr. President, I rise today to introduce the International Carbon Sequestration Incentive Act. I am joined by Senators DASCHLE, DEWINE, BOB KERREY, GRASSLEY and BYRD.

Environmental issues have traditionally been filled with controversy—pitting beneficial environmental measures against hard-working small business and state interests. It is unfortunate that the atmosphere surrounding environmental debate is filled with accusations of blame rather than basic problem-solving.

From listening to the public discourse concerning environmental issues, one would thing there is no other choice but to handicap our booming economy in order to have a clean environment, despite the fact that pollution is often, unfortunately, an unavoidable consequence of meeting public needs.

Mr. President, I stand here today to illustrate that there is a better way to deal with important environmental concerns. There is a way to encourage the best rather than expecting the worst. There is a way to create environmental incentives and environmental markets, rather than only environmental regulations. There is a way to chip away at environmental challenges, rather than demagoging an ''all or nothing'' stance.

This bill—the International Carbon Sequestration Incentive Act, takes a pro-active, incentive-driven approach to one of the most difficult environmental issues of our time—global climate change.

Specifically, this bill provides investment tax credits for groups who invest in international carbon sequestration projects—including investments which prevent rainforest destruction and projects which reforest abandoned native forest areas. These projects will reduce the amount of carbon dioxide emitted into the air—helping to offset climate change since carbon dioxide is one of the main greenhouse gases.

This bill achieves these environmental benefits by promoting carbon sequestration—the process of converting carbon dioxide in the atmosphere into carbon which is stored in plants, trees and soils.

Under this bill, eligible projects can receive funding at a rate of $2.50 per verified ton of carbon stored or sequestered—up to 50% of the total project cost. The minimum length of these projects is 30 years and the Implementing Panel can only approve $200 million in tax credits each year.

Why do this? Carbon dioxide is a greenhouse gas believed to contribute to global warming. While there is debate over the role in which human activity plays in speeding up the warming process, there is broad consensus that there are increased carbon levels in the atmosphere today.

Until now, the only real approach seriously considered to address climate change was an international treaty which calls for emission limits on carbon dioxide—which would mean limiting the amount that comes from your car, your business and your farm. This treaty—the Kyoto treaty, also favored exempting developing nations from emission limits—putting the U.S. economy at a distinct disadvantage. Approaching the issue of climate change in this fashion would be very costly and would not respond to the global nature of this problem.

Instead, my approach encourages offsetting greenhouse gases through improved land management and conservation—and by engaging developing nations rather than cutting them out of the process.

In addition to reducing greenhouse gas emissions, sponsored projects under this bill will also help to preserve the irreplaceable biodiversity that flourishes in the Earth's tropical rain forests and other sensitive eco-systems. In addition to diverse plant life, these projects will be protecting countless endangered and rare species.

This bill requires investors to work closely with foreign governments, nongovernmental organizations and indigenous peoples to find the capital necessary to set aside some of the last great resources of the planet. Rain forests have been called the lungs of the Earth—helping to filter out pollution and provide sanctuary for numerous pharmaceutical finds which may one day cure many of our human diseases.

This bill rewards the partnership and pro-active vision of companies that want to be part of the solution to climate change. We are lucky in the fact that private industry is already looking at this issue and working to find a way to contribute. An example of what this bill would promote can be seen by looking at the Noel Kempff Mercado National Park in Bolivia.

As you can see by looking at these photos [DISPLAY FOREST SCENES], Noel Kempff is a beautiful, biodiverse part of the world. This park spans nearly 4 million acres in Bolivia, hosts several hundred species of rare and endangered wildlife—including 130 species of mammals, 620 species of birds and 70 species of reptiles—not to mention 110 different species of orchids and grasses.

This park was in direct danger of deforestation. The land would have been cleared and eventually turned into large commercial farming operations. The loss of this park would have led to carbon dioxide emissions of between 25–36 million tons as well as increased commercial agricultural competition.

Instead, the Bolivian government came together with The Nature Conservancy, American Electric Power and other investors to preserve the park and conduct extensive verification of the carbon being stored in trees and soils of the now protected area.

Companies like American Electric Power, BP Amoco and PacifiCorp want to invest in projects like Noel Kempff because they want to promote the role of carbon sequestration as a means to combat climate change. These companies have taken a big step in contributing to the solution—think how much more good they, and other companies, could do if there were incentives to encourage this activity.

In the U.S., we are lucky enough to have programs like the Conservation Reserve Program and federal parks—which help preserve some of the natural resources of this great nation. Unfortunately, developing countries do not have access to the kind of capital it takes to make similar investments in their own countries. It is therefore, a worthy investment in the world environment—since climate change is a global problem, to chip away at this problem by doing what we know helps reduce pollution and greenhouse gases: planting and preserving trees.

This bill is designed to encourage more participation in projects like the Noel Kempff Park. By using limited and very targeted tax credits, we have an opportunity as a nation—to take a leadership role on climate change without crushing our own economy. This bill also furthers the goal of including developing countries in the climate change issue—since any agreement to reduce greenhouse gases must ultimately include these areas which will become the largest emitters.

Mr. President, I do not pretend that this bill will resolve the climate change issue. That is not my intent. Rather, this bill takes the view that where we do agree that good can be achieved—we should move forward. It is my hope that this bill will contribute to the solution on climate change and help to re-shape the way we view environmental problems.

---

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2983. A bill to provide for the return of land to the Government of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

THE GUAM OMNIBUS OPPORTUNITIES ACT

Mr. AKAKA. Mr. President, I rise to introduce the Guam Omnibus Opportunities Act, which seeks to address important issues to the people of Guam dealing with land, economic development and social issues. On July 25, the House passed similar legislation, H.R. 2462, which was introduced by Congressman ROBERT UNDERWOOD, the Delegate from Guam. During the 105th Congress, the Senate passed similar provisions of H.R. 2462 as part of S. 210, an omnibus territories bill.

There are several provisions of the Guam Omnibus Opportunities Act. First, Section 2 of the bill provides a process for the Government of Guam to receive lands from the U.S. government for specified public purposes by giving Guam the right of first refusal for declared federal excess lands by the General Services Administration prior to it being made available to any other federal agency. It also provides for a process for the Government of Guam and the U.S. Fish and Wildlife Service to engage in negotiations on the future ownership and management of declared federal excess lands within the Guam National Wildlife Refuge.

Section 3 provides the Government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties with foreign countries since Guam cannot change the withholding tax rate on its own under current law. Under the U.S. Internal Revenue Code, there is a 30 percent withholding tax rate for foreign investors in the United States. Since Guam's tax law ''mirrors'' the rate established under the U.S. Code, the standard rate of foreign investors in Guam is 30 percent. It is a common feature in U.S. tax treaties for countries to negotiate lower withholding rates on investment returns. Unfortunately, while there are different definitions for the term ''United States'' under these treaties, Guam is not included. This omission has adversely impacted Guam since 75 percent of Guam's commercial development is funded by foreign investors. As an example, with Japan, the U.S. rate for foreign investors is 10 percent. This means that while Japanese investors are taxed at a 10 percent withholding tax rate on their investments in the fifty states, those same investors are taxed at a 30 percent withholding rate on Guam.

While the long-term solution is for U.S. negotiators to include Guam in the definition of the term ''United States'' for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the Government of Guam to tax foreign investors at the same rates as the fifty states. It is my understanding that all other U.S. territories have remedied this problem in one way or another. Therefore, Guam is the only U.S. jurisdiction in the country that is not extended tax equity for foreign investors.

With an unemployment rate of 15 percent, Guam continues to struggle economically due to the Asian financial crisis. That is why I believe it is vitally important for the federal government to assist Guam in stimulating its economy through sound federal policies and technical assistance. This section would greatly assist the Government of Guam in promoting economic development on the island and would provide long needed tax equity.

Section 4 considers Guam within the U.S. Customs zone in the treatment of betel nuts, which are part of Chamorro tradition and culture. While betel nuts are grown in the United States, the Food and Drug Administration (FDA) has an important alert for betel nuts from foreign countries in place due to the influx of betel nuts from Asian countries for commercial consumption and the FDA's contention that the betel nut is ''adulterated.'' This means an automatic detention of betel nuts by U.S. Customs agents when entering the United States. Although Guam is a U.S. territory, Guam is considered to be outside the U.S. Customs zone. Betel nuts grown in Guam, therefore, are subject to the FDA ban in the same manner as foreign countries. This section narrowly applies to Guam, limits use to personal consumption, and ensure that the FDA ban against foreign countries remains in place.

Section 5 empowers the governors of the territories and the State of Hawaii to report to the Secretary of the Interior on the financial and social impacts of the Compacts of Free Association on their respective jurisdictions and requires that the Secretary forward Administration comments and recommendations on the report to Congress. This is an important issue to the State of Hawaii as the numbers of migrants to Hawaii from the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau continue to grow. The State of Hawaii has spent well over $14 million in public funds in the past year alone, with most of the funds being spent on our educational and health care systems.

Under the compact agreements, the Federal government made clear that it would compensate jurisdictions affected, yet the State of Hawaii has not received federal funding since the implementation of these agreements. This section seeks to improve the reporting requirements for Compact Impact Aid to address this situation.

Section 6 establishes a five-member Guam War Claims Review Commission to be appointed by the Secretary of the Interior. The goal of the Commission is to review the facts and circumstances surrounding U.S. restitution to Guamanians who suffered compensable injury during the occupation of Guam by Japan during World War II. Compensable injury includes death, personal injury, or forced labor, forced march, or internment. The Commission would review the relevant historical facts and determine the eligible claimants, the eligibility requirements, and the total amount necessary for compensation, and report its findings and recommendations for action to Congress nine months after the Commission is established.

The 1951 Treaty of Peace between the U.S. and Japan effectively barred

claims by U.S. citizens against Japan. As a consequence, the U.S. inherited these claims, which was acknowledged by Secretary of State John Foster Dulles when the issue was raised during consideration of the treaty before the Committee on Foreign Relations in 1952.

Considerable historical information indicates that the United States intended to remedy the issue of war restitution for the people of Guam. In 1945, the Guam Meritorious Claims Act was enacted which authorized the Navy to adjudicate and settle war claims in Guam for property damage for a period of one year. Claims in access of $5,000 for personal injury or death were to be forwarded to Congress. Unfortunately, the Act never fulfilled its intended purposes due to the limited time frame for claims and the preoccupation of the local population with recovery from the war, resettlement of their homes, and rebuilding their lives.

On March 25, 1947, the Hopkins Commission, a civilian commission appointed by the Navy Secretary, issued a report which revealed the flaws of the 1945 Guam Meritorious Claims Act and recommended that the Act be amended to provide on the spot settlement and payment of all claims, both property and for the death and personal injury.

Despite the recommendations of the Hopkins Commission, the U.S. government failed to remedy the flaws of the Guam Meritorious Act when it enacted the War Claims Act of 1948, legislation which provided compensations for U.S. citizens who were victims of the Japanese war effort during World War II. Guamanians were U.S. nationals at the time of the enactment of the War Claims Act, thereby making them ineligible for compensation. In 1950, with the enactment of the Organic Act of Guam, Guamanians became U.S. citizens.

In 1962, Congress again attempted to address the remaining circumstances of U.S. citizens and nationals that had not received reparations from previous enacted laws. Once again, however, the Guamanians were inadvertently made ineligible because policymakers assumed that the War Claims Act of 1948 included them. Section 6 brings closure to this longstanding issue.

In summary, Mr. President, the Guam Omnibus Opportunities Act will go a long way toward resolving issues that the Federal Government has been working on with the Government of Guam on land, economic development and social issues. I look forward to working with my colleagues in the Senate to resolve these issues to assist Guam in achieving greater economic self-sufficiency.

---

By Mr. CONRAD:

S. 2984. A bill to amend the Internal Revenue Code of 1986 and to provide a refundable caregivers tax credit; to the Committee on Finance.

LONG-TERM CAREGIVERS ASSISTANCE ACT OF 2000

Mr. CONRAD. Mr. President, today I am introducing the Long-Term Caregivers Assistance Act of 2000, a proposal that would provide much needed assistance to individuals with long-term care needs and their caregivers.

Nationwide, more than 8 million individuals require some level of assistance with activities of daily living. Over the next 30 years, this number is expected to increase significantly as our nation experiences an unprecedented growth in its elderly population.

We know that for many people leaving their homes to obtain care is not their first choice—the cost of nursing home care can be prohibitive, and such care often takes individuals away from their communities. While federal support for long-term care is primarily spent on nursing home services, many people receive assistance with their long-term care needs in the home from their families, often without the help of public assistance or private insurance.

Nationwide, nearly 37 million individuals provide unpaid care to family members of all ages with functional or cognitive impairments. In my state, there are about 61,000 individuals providing informal caregiving services.

Unfortunately, the need for long-term care can cause substantial financial burdens on many individuals and their families. According to a recent study, almost two-thirds of those serving as caregivers suffer financial setbacks—setbacks that can total thousands of dollars in lost wages and other benefits over a caregiver's lifetime. This is a burden that caregivers and their families should not have to bear alone.

For this reason, I am introducing this proposal to provide a $2,000 tax credit that could be used by individuals with substantial care needs or by their caregivers.

Taxpayers who have long-term care needs, or who care for others with such needs, may not have the same ability to pay taxes as other taxpayers—a reasonable and legitimate concern in a tax system based on the principle of ability-to-pay. Providing a tax credit is an equitable and efficient way of helping caregivers and individuals with long-term care needs meet their formal and informal costs.

I recognize that this tax credit is only a piece of the long-term care puzzle—but I believe it is an important piece. This credit could be used to help pay for prescription drugs or other out-of-pocket expenses. It could be used to pay for some formal home care services. It could also be used to help family members offset some of the expenses they incur in caregiving.

We must act now to address the long-term care needs of our nation. I urge my colleagues to support this important legislation.

---

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 2985. A bill to amend the Agricultural Trade Act of 1978 to authorize the Commodity Credit Corporation to reallocate certain unobligated funds from the export enhancement program to other agricultural trade development and assistance programs; to the Committee on Finance.

PROVIDING SCHOOL LUNCHES TO HUNGRY CHILDREN—THE AGRICULTURAL FLEXIBILITY IN EXPORT DEVELOPMENT AND ASSISTANCE ACT OF 2000

Mr. DURBIN. Mr. President, if you had happened to be in the Senate Dining Room a few months ago, you might have seen a group of people having lunch and wondered what in the world would gather Ambassador George McGovern, Senators Bob Dole and TED KENNEDY, Agriculture Secretary Dan Glickman, Congressmen JIM MCGOVERN and TONY HALL and myself all at one table.

The answer to your question is that we were working together on a bipartisan initiative that could have a positive impact on children around the world and be of great benefit to America's farmers.

Former Senator and now Ambassador McGovern has advocated an idea to emulate one of the most beneficial programs ever launched on behalf of children in this country—the school lunch program.

He has worked with Senator Dole and others to establish an international school lunch program and President Clinton has jump-started this proposal with his announcement that the United States will provide $300 million in surplus commodities for the initiative.

Today, I am introducing legislation to provide a long-term funding source for international school feeding programs that will allow such programs to expand and reach more kids.

Today there are more than 300 million children throughout the world—more kids than the entire population of the United States—who go through the day and then to bed at night hungry. Some 130 million of these kids don't go to school right now, mainly because their parents need them to stay at home or work to pitch in any way that they can.

In January of this year, I traveled to sub-Saharan Africa, the epicenter of the AIDS crisis, with more than two-thirds of AIDS cases worldwide. There I saw first-hand the horrible impact AIDS is having on that continent. I met a woman in Uganda named Mary Nalongo Nassozzi, who is a 63-year-old widow.

All of her children died from AIDS and she has created an ''orphanage'' with 16 of her grandchildren now living in her home. People like Mary need our help to keep these kids in school.

Linking education and nutrition is not a new idea. Private voluntary organizations like CARE, Catholic Relief Services, ADRA, World Vision, Save the Children and Food for the Hungry are already helping kids with education, mother/child nutrition programs and school feeding programs.

These organizations and the World Food Program operate programs in more than 90 countries at this time, but typically can only target the poorest children in the poorest districts of the country.

Ambassador McGovern, Senator Dole, myself and others have called for an expanded effort, and as I noted earlier, President Clinton has responded. I applaud the President for the program he announced last Sunday in Okinawa. This $300 million initiative is expected to help serve a solid, nutritious meal to nine million children every day they go to school.

Think about it: for only 10 cents a day for each meal, we can feed a hungry child and help that child learn. With what you or I pay for a Big Mac, fries and a soft drink, we could afford to feed two classrooms of kids in Ghana or Nepal.

THE BENEFITS OF SCHOOL FEEDING PROGRAMS

While we need to consider the costs of an international school feeding program, I think we should also look at the benefits.

Malnourished children find it difficult to concentrate and make poor students. But these school feeding programs not only help concentration, they have many benefits, including increased attendance rates and more years of school attendance, improved girls' enrollment rates, improved academic performance, lower malnutrition rates, greater attention spans and later ages for marriage and childbirth.

These benefits ripple in many directions: higher education levels for girls and later marriage for women help slow population growth; greater education levels overall help spur economic development; and giving needy children a meal at school could also help blunt the terrible impact AIDS is having throughout Africa, where there are more than 10 million AIDS orphans who no longer have parents to feed and care for them.

DOMESTIC BENEFITS

Some will question our involvement in overseas feeding programs, so let me describe what we're doing at home and how we benefit from these efforts.

This year, we're spending more than $20 billion in our food stamp program. More than half of this amount goes to kids. We're also spending over $9 billion for school child nutrition programs, and more than $4 billion for the WIC program. While this sounds like a lot, we need to do more. Many people who are eligible for these programs are not aware of it and the Department of Agriculture must do a better job getting the word out. Still, these figures put the costs of an international school feeding effort in perspective: they will be a small fraction of what we're spending here at home.

Through our international efforts, we share some of what we have learned with less fortunate countries. But we also benefit.

An international school lunch program will provide a much-needed boost to our beleaguered farm economy, where surpluses and low prices have been hurting farmers for the third year in a row. Congress has provided more than $20 billion in emergency aid to farmers over the last three years. Buying farm products for this proposal would boost prices in the marketplace, helping U.S. farmers and needy kids in the process. It is a common-sense proposal for helping our farmers, and the right thing to do.

Second, the education of children leads to economic development, which in turn increases demand for U.S. products in the future. Some of the largest food aid recipients in the 1950s are now our largest commercial customers.

Finally, let's consider the positive foreign policy implications of this measure. It helps fulfill the commitments we made in Rome in 1996 to work to improve world food security and helps satisfy the commitment to net food importing developing countries we made in Marrakesh in 1995 at the conclusion of the Uruguay Round. It also supports the goals of ''Education for All'' made in April in Dakar to achieve universal access to primary education.

It goes beyond demonstrating our commitment to summit texts and documents and has a real impact on our national security. When people are getting enough to eat, internal instability is less likely. Most of the conflicts taking place right now around the world are related at least in part to food insecurity.

WE CAN'T AND SHOULDN'T DO THIS ALONE

The United States shouldn't go it alone. This needs to be an international effort. If the full costs for this program are shared fairly among developed countries, as we do now for United Nations peacekeeping efforts or humanitarian food aid relief efforts, then our resource commitments will be multiplied many times over. I encourage the Administration to continue its efforts to gain multilateral support for this initiative.

We should also seek the involvement and commitment of America's corporations and philanthropic organizations. Companies can contribute books and school supplies, computer equipment, kitchen equipment, construction supplies and management expertise.

PROPOSED LEGISLATION

The food aid laws we already have in place allow USDA and USAID to start up these kinds of programs, but resources are limited.

The President's initiative is a concrete first step in the effort to assure that every kid is going to school, and that every kid going to school has a meal.

However—and this is not to detract in any way from the important action he has taken—the President's initiative relies on surplus commodities. That is a sensible approach at this time. But we may not always have an overabundance. We all hope for and are working for an end to the farm crisis, which means the quantity of surplus commodities will decline. We need to look at how we will continue to pay for this program in the future as it helps more children and as surplus commodities dwindle.

The legislation I am introducing today, the Agricultural Flexibility in Export Development and Assistance Act of 2000, addresses the longer-term funding issue.

My legislation authorizes the Secretary of Agriculture to reallocate unspent Export Enhancement Program (EEP) money to school feeding and other food aid programs. When EEP was first authorized, one of its main purposes was to increase demand for U.S. agricultural commodities—to put money in the wallets of farmers by promoting overseas demand for our products. Because U.S. commodity prices have come down, it hasn't been used to any major extent since 1995. We are sitting on a pot of money, authorized but not being spent, while the EU spends over $5 billion annually on similar programs. My legislation would free up the Secretary of Agriculture to devote those funds to school feeding and other food aid programs.

Because I recognize some would like to see a portion of the surplus EEP funds to be spent on export development programs, my bill also permits a portion of the funds to be spent on export promotion.

To maintain flexibility while ensuring our food aid goals are addressed, the measure would require that a minimum of 75 percent of reallocated EEP funding be spent for either PL480 (Title I or Title II) or Food for Progress food aid, with at least half of this amount devoted to school feeding or child nutrition programs. It would allow up to 20 percent of the reallocated funds to be spent on the Market Access Program to promote agricultural exports, and a maximum of five percent to be spent on the Foreign Market Development (Cooperator) program.

To ensure new artificial restraints don't block our intention in this legislation, the measure also raises the caps currently in place regarding the quantity of food aid permitted under Food for Progress and the amount that may be used to pay for the administrative expenses associated with the program.

Both the Coalition for Food Aid and Friends of the World Food Program support this measure. Major commodity groups such as the American Soybean Association and the National Corn Growers Association also support it.

Mr. President, I urge my colleagues to join me as cosponsors of this legislation and in support of the broader effort to respond to the nutrition needs of 300 million children, 130 million of whom are not but could and should be in school. With our help, these statistics can change.

Mr. HUTCHINSON. Mr. President, I rise today to introduce the Just Opportunities in Bidding (JOB) Act which is

necessary to ensure that companies who seek to do business with our government are treated fairly. The JOB Act would prohibit the implementation of proposed regulations which would dramatically amend the Federal Acquisition Regulation.

I have many concerns about these proposed regulations, but I am deeply troubled by the discrimination which it will inevitably foster when implemented. The regulations will *de facto* amend many of our nation's laws and give government contracting officers, who are not trained in the interpretation of these laws, unfettered discretion to deny contracts to companies based on any alleged violation of any labor and employment, environmental, antitrust, tax, or consumer protection laws over the three years immediately preceding the contract. This is a dramatic change from the current requirements of the Federal Acquisition Regulation which requires that violations must be substantial to trigger denial of contract eligibility and does not extend to unrelated, past violations.

The proposed regulations would also allow for the denial of contracts on the basis of a mere complaint issued by a federal agency, which often are based solely upon information provided by outside, interested parties. Moreover, the proposal's terminology is vague and extremely subjective—placing tremendous and unprecedented discretion in the hands of federal contracting officers. That is discretion that they do not need nor qualified to exercise. Terms such as ''legal compliance'' by bidding parties are well-intentioned, I am sure, however, I view this as a trial lawyer's greatest wish come true. What does ''legal compliance'' mean? Does it mean that employers must ensure that they are 100 percent in compliance with all of the pertinent laws? Can even the most prudent employers guarantee that they and their worksites are 100 percent in compliance with all federal tax, labor, environmental, and antitrust statutes and regulations? That's certainly a question which many creative lawyers will undoubtedly rush to answer in courthouses across our nation.

This proposal is in direct contradiction to existing policy which is to fulfill governmental needs for goods and services at a fair and reasonable price from contractors who are technically qualified and able to perform the contract. Our current policy is based upon a good balance between our desire to get the best value for our constituents' taxdollars while being fair to all qualified companies who want to have the opportunity to provide their goods and services to the government. The proposed regulations will result in the unjustified exclusion of many of these companies from the bidding process and will result in less competition, reduced job opportunities for many employees—especially small businesses—and less value for our constituents' taxdollars.

As elected representatives of our constituents, we cannot condone this and as a legislative body we must refuse to allow a continuation of this Administration's legislation by regulation. The JOB Act would require the GAO to thoroughly examine this issue and report back to Congress with its findings. To me, this is a sound and reasonable approach rather than a political one. If you agree that the proposed regulations—and the millions of American workers, employers, and taxpayers that they will profoundly affect—deserve more thorough consideration, join me in my effort to enact the JOB Act.

I ask consent that the text of the bill be included in the RECORD.

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

S. 2986

*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 ''Just Opportunities in Bidding Act of 2000''.

**SEC. 2. REGULATIONS PROHIBITED PENDING GAO REVIEW.**

(a) REGULATIONS NOT TO HAVE LEGAL EFFECT.—The proposed regulations referred to in subsection (c) shall not take effect and may not be enforced.

(b) LIMITATION ON ADDITIONAL PROPOSED REGULATIONS.—No proposed or final regulations on the same subject matter as the proposed regulations referred to in subsection (c) may be issued before the date on which the Comptroller General submits to Congress the report required by section 3.

(c) COVERED REGULATIONS.—Subsection (a) applies to the following:

(1) The proposed regulations that were published in the Federal Register, volume 64, number 131, beginning on page 37360, on July 9, 1999.

(2) The proposed regulations that were published in the Federal Register, volume 65, number 127, beginning on page 40830, on June 30, 2000.

**SEC. 3. COMPTROLLER GENERAL REVIEW OF CONTRACTOR COMPLIANCE WITH FEDERAL LAW.**

The Comptroller General shall—

(1) conduct a general review of the level of compliance by Federal contractors with the Federal laws that—

(A) are applicable to the contractors; and

(B) affect—

(i) the rights and responsibilities of contractors to participate in contracts of the United States; and

(ii) the administration of such contracts with respect to contractors; and

(2) submit to Congress a report on the findings resulting from the review.

---

By Mr. ROBERTS (for himself, Mr. GRASSLEY, Mr. JEFFORDS, and Mr. THOMAS):

S. 2987. A bill to amend title XVIII of the Social Security Act to promote access to health care services in rural areas, and for other purposes; to the Committee on Finance.

RURAL HEALTH CARE IN THE 21ST CENTURY ACT OF 2000

Mr. ROBERTS. Mr. President, I rise today to introduce the Rural Health Care in the 21st Century Act of 2000. This legislation will improve access to technology necessary to improve rural health care and expand access to quality health care in rural areas.

The future of health care in this country is being challenged by a variety of factors. The growing pains associated with managed care, an increasing elderly population and the drive to ensure the solvency of the federal Medicare Trust Fund are just a few of the factors placing pressure on health care facilities and health care providers across the country. Small, rural hospitals that provide services to a relatively low volume of patients are faced with even greater challenges in this environment.

The bill I am introducing today takes critical steps to improve access to high technology in rural areas and establishes a new high technology acquisition grant and loan program to improve patient safety and outcomes. At the same time hospitals need to update equipment, comply with new regulatory requirements and join the effort to reduce medical errors, many hospitals are finding it difficult to access the financial backing necessary to acquire the telecommunications equipment necessary to develop innovative solutions. This bill establishes a 5-year grant program through the Office of Rural Health Policy that allows hospitals, health care centers and related organizations to apply for matching grants or loans up to $100,000 to purchase the advanced technologies necessary to improve patient safety and keep pace with the changing records management requirements of the 21st Century.

This bill also increases Disproportionate Share Hospitals payments to rural hospitals. The Medicare DSH adjustment is based on a complex formula and the hospital's percentage of low-income patients. This percentage of low-income patients is different for each hospital, depending on where the hospital is located and the number of beds in the hospital. This bill establishes one formula to distribute payments to all hospitals covered by the inpatient PPS. This will give rural hospitals an equal opportunity to qualify for the DSH adjustment.

Twenty-five percent of our nation's senior citizens live in rural areas where access to modern health care services is often lacking. Telehealth technologies have evolved significantly and can serve to connect rural patients to the health care providers that they need. This bill includes provisions of S. 2505, a telehealth bill introduced by my colleague from Vermont, Senator JEFFORDS. These provisions address eight areas of Medicare reimbursement policy that need improvement. It eliminates requirements for fee-sharing between providers and provides a standard professional fee to the health care provider who delivers the care. The site where the patient is presented is made eligible for a standard facility fee. The requirement for a telepresenter is

eliminated and the codes that can be billed for are expanded to reflect current practice. All rural counties and urban HPSAs are covered by this legislation and demonstration projects are established to access reimbursement for store and forward activities. Also, the law is clarified to allow for home health agencies to incorporate telehomecare into their care plans where appropriate.

The Health Care Financing Administration is currently administering five telemedicine demonstration projects. This provision extends these projects an additional two years to give the projects adequate time to produce useful data.

The Medicare Rural Hospital Flexibility Program established by the Balanced Budget Act of 1997 allows rural hospitals to be reclassified as limited service facilities, known as Critical Access Hospitals. Critical Access Hospitals are important components of the rural health care infrastructure. They are working to provide quality health care services in sparsely populated areas of the country. However, they are restricted by burdensome regulations and inadequate Medicare payments. In addition to reduced staffing requirements, Congress intended to reimburse CAH inpatient and outpatient hospital services on the basis of reasonable costs. This legislation exempts Medicare swing beds in CAHs for the Skilled Nursing Facility (SNF) Prospective Payment System (PPS) and reimburses based on reasonable costs, and provides reasonable cost payment for ambulance services and home health services in CAHs.

In addition, this legislation directs the Secretary of HHS to establish a procedure to ensure that a single FI will provide services to all CAHs and allows CAHs to choose between two options for payment for outpatient services: (1) reasonable costs for facility services, or (2) an all-inclusive rate which combines facility and professional services.

This bill permanently guarantees pre-Balanced Budget Act payment levels for outpatient services provided by rural hospitals with under 100 beds, modifies the 50 bed exemption language and for Rural Health Clinics allows RHCs to qualify as long as their average daily patient census does not exceed 50, allows Physician Assistant-owned RHCs that lose their clinic status to maintain Medicare Part B payments, and clarifies that when services already excluded from the PPS system are delivered to Skilled Nursing Facility patients by practitioners employed by the RHCs, those visits are also excluded from the PPS payment system. In addition, this bill increases payments under the Medicare home health PPS for beneficiaries who reside in rural areas by increasing the standardized payment per 60-day episode by 10 percent.

Current law allows states the option to reimburse hospitals for Qualified Medicare Beneficiary (QMB) services attributable to deductibles and coinsurance amounts. However, many state Medicaid programs have chosen not to pay these costs, leaving rural hospitals with a significant portion of unpaid bad debt expenses. This is especially burdensome since federal law prohibits hospitals from seeking payment for the cost-sharing amounts from QMB patients. This legislation provides additional relief to rural hospitals by restoring 100% Medicare bad debt reimbursement for QMBs.

Although, as a general rule, scholarships are excluded from income, the Internal Revenue Service has taken the position that National Health Service Corp scholarships are included in income. Imposing taxes on the scholarships could have disastrous effects on a program that for over 20 years has helped funnel doctors, nurse-practitioners, physician assistants, and other health professionals into medically underserved communities. This provision excludes from gross income of certain scholarships any amounts received under the National Health Service Corps Scholarship Program.

Finally, this bill includes important technical corrections to the Balanced Budget Refinement Act of 1999. This bill extends the option to rebase target amounts to all Sole Community Hospitals and allows Critical Access Hospitals to receive reimbursement for lab services on a reasonable cost basis.

Exciting changes are taking place in rural America. This legislation will enable small rural hospitals to take advantage of the latest technology and improve health care for rural residents across the country. Mr. President, I invite my colleagues to join me in support of this endeavor. I am unanimous consent that a copy of the bill appear in the CONGRESSIONAL RECORD.

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

S. 2987

*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 ''Rural Health Care in the 21st Century Act of 2000''.

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



## TITLE I—HIGH TECHNOLOGY

**SEC. 101. HIGH TECHNOLOGY ACQUISITION GRANT AND LOAN PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 330D the following:

**''SEC. 330E. HIGH TECHNOLOGY ACQUISITION GRANT AND LOAN PROGRAM.**

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration), shall establish a High Technology Acquisition Grant and Loan Program for the purpose of—

''(1) improving the quality of health care in rural areas through the acquisition of advanced medical technology;

''(2) fostering the development the networks described in section 330D(c);

''(3) promoting resource sharing between urban and rural facilities; and

''(4) improving patient safety and outcomes through the acquisition of high technology, including software, information services, and staff training.

''(b) GRANTS AND LOANS.—Under the program established under subsection (a), the Secretary, acting through the Director of the Office of Rural Health Policy, may award grants and make loans to any eligible entity (as defined in subsection (d)(1)) for any costs incurred by the eligible entity in acquiring eligible equipment and services (as defined in subsection (d)(2)).

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the total amount of grants and loans made

under this section to an eligible entity may not exceed $100,000.

''(2) FEDERAL SHARING.—

''(A) GRANTS.—The amount of any grant awarded under this section may not exceed 70 percent of the costs to the eligible entity in acquiring eligible equipment and services.

''(B) LOANS.—The amount of any loan made under this section may not exceed 90 percent of the costs to the eligible entity in acquiring eligible equipment and services.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a hospital, health center, or any other entity that the Secretary determines is appropriate that is located in a rural area or region.

''(2) ELIGIBLE EQUIPMENT AND SERVICES.—The term 'eligible equipment and services' includes—

''(A) unit dose distribution systems;

''(B) software and information services and staff training;

''(C) wireless devices to transmit medical orders;

''(D) clinical health care informatics systems, including bar code systems designed to avoid medication errors and patient tracking systems; and

''(E) any other technology that improves the quality of health care provided in rural areas.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2006.''.

**SEC. 102. REFINEMENT OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.**

(a) REVISION OF TELEHEALTH PAYMENT METHODOLOGY AND ELIMINATION OF FEE-SHARING REQUIREMENT.—Section 4206(b) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note) is amended to read as follows:

''(b) METHODOLOGY FOR DETERMINING AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay to—

''(A) the physician or practitioner at a distant site that provides an item or service under subsection (a) an amount equal to the amount that such physician or provider would have been paid had the item or service been provided without the use of a telecommunications system; and

''(B) the originating site a facility fee for facility services furnished in connection with such item or service.

''(2) APPLICATION OF PART B COINSURANCE AND DEDUCTIBLE.—Any payment made under this section shall be subject to the coinsurance and deductible requirements under subsections (a)(1) and (b) of section 1833 of the Social Security Act (42 U.S.C. 1395l).

''(3) DEFINITIONS.—In this subsection:

''(A) DISTANT SITE.—The term 'distant site' means the site at which the physician or practitioner is located at the time the item or service is provided via a telecommunications system.

''(B) FACILITY FEE.—The term 'facility fee' means an amount equal to—

''(i) for 2000 and 2001, $20; and

''(ii) for a subsequent year, the facility fee under this subsection for the previous year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year.

''(C) ORIGINATING SITE.—

''(i) IN GENERAL.—The term 'originating site' means the site described in clause (ii) at which the eligible telehealth beneficiary under the medicare program is located at the time the item or service is provided via a telecommunications system.

''(ii) SITES DESCRIBED.—The sites described in this paragraph are as follows:

''(I) On or before January 1, 2002, the office of a physician or a practitioner, a critical access hospital, a rural health clinic, and a Federally qualified health center.

''(II) On or before January 1, 2003, the sites described in subclause (I), a hospital, a skilled nursing facility, a comprehensive outpatient rehabilitation facility, a renal dialysis facility, an ambulatory surgical center, an Indian Health Service facility, and a community mental health center.''.

(b) ELIMINATION OF REQUIREMENT FOR TELEPRESENTER.—Section 4206 of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note) is amended—

(1) in subsection (a), by striking '', notwithstanding that the individual physician'' and all that follows before the period at the end; and

(2) by adding at the end the following new subsection:

''(e) TELEPRESENTER NOT REQUIRED.—Nothing in this section shall be construed as requiring an eligible telehealth beneficiary to be presented by a physician or practitioner for the provision of an item or service via a telecommunications system.''.

(c) REIMBURSEMENT FOR MEDICARE BENEFICIARIES WHO DO NOT RESIDE IN A HPSA.—Section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (b), is amended—

(1) by striking ''IN GENERAL.—Not later than'' and inserting the following: ''TELEHEALTH SERVICES REIMBURSED.—

''(1) IN GENERAL.—Not later than'';

(2) by striking ''furnishing a service for which payment'' and all that follows before the period and inserting ''to an eligible telehealth beneficiary''; and

(3) by adding at the end the following new paragraph:

''(2) ELIGIBLE TELEHEALTH BENEFICIARY DEFINED.—In this section, the term 'eligible telehealth beneficiary' means a beneficiary under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that resides in—

''(A) an area that is designated as a health professional shortage area under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A));

''(B) a county that is not included in a Metropolitan Statistical Area;

''(C) an inner-city area that is medically underserved (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); or

''(D) an area in which there is a Federal telemedicine demonstration program.''.

(d) TELEHEALTH COVERAGE FOR DIRECT PATIENT CARE.—

(1) IN GENERAL.—Section 4206 of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (c), is amended—

(A) in subsection (a)(1), by striking ''professional consultation via telecommunications systems with a physician'' and inserting ''items and services for which payment may be made under such part that are furnished via a telecommunications system by a physician''; and

(B) by adding at the end the following new subsection:

''(f) COVERAGE OF ITEMS AND SERVICES.—Payment for items and services provided pursuant to subsection (a) shall include payment for professional consultations, office visits, office psychiatry services, including any service identified as of July 1, 2000, by HCPCS codes 99241–99275, 99201–99215, 90804–90815, and 90862, and any additional item or service specified by the Secretary.''.

(2) STUDY AND REPORT REGARDING ADDITIONAL ITEMS AND SERVICES.—

(A) STUDY.—The Secretary of Health and Human Services shall conduct a study to identify items and services in addition to those described in section 4206(f) of the Balanced Budget Act of 1997 (as added by paragraph (1)) that would be appropriate to provide payment under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under subparagraph (A) together with such recommendations for legislation that the Secretary determines are appropriate.

(e) ALL PHYSICIANS AND PRACTITIONERS ELIGIBLE FOR TELEHEALTH REIMBURSEMENT.—Section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (d), is amended—

(1) in paragraph (1), by striking ''(described in section 1842(b)(18)(C) of such Act (42 U.S.C. 1395u(b)(18)(C))''; and

(2) by adding at the end the following new paragraph:

''(3) PRACTITIONER DEFINED.—For purposes of paragraph (1), the term 'practitioner' includes—

''(A) a practitioner described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)); and

''(B) a physical, occupational, or speech therapist.''.

(f) TELEHEALTH SERVICES PROVIDED USING STORE-AND-FORWARD TECHNOLOGIES.—Section 4206(a)(1) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (e), is amended by adding at the end the following new paragraph:

''(4) USE OF STORE-AND-FORWARD TECHNOLOGIES.—For purposes of paragraph (1), in the case of any Federal telemedicine demonstration program in Alaska or Hawaii, the term 'telecommunications system' includes store-and-forward technologies that provide for the asynchronous transmission of health care information in single or multimedia formats.''.

(g) CONSTRUCTION RELATING TO HOME HEALTH SERVICES.—Section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (f), is amended by adding at the end the following new paragraph:

''(5) CONSTRUCTION RELATING TO HOME HEALTH SERVICES.—

''(A) IN GENERAL.—Nothing in this section or in section 1895 of the Social Security Act (42 U.S.C. 1395fff) shall be construed as preventing a home health agency that is receiving payment under the prospective payment system described in such section from furnishing a home health service via a telecommunications system.

''(B) LIMITATION.—The Secretary shall not consider a home health service provided in the manner described in subparagraph (A) to be a home health visit for purposes of—

''(i) determining the amount of payment to be made under the prospective payment system established under section 1895 of the Social Security Act (42 U.S.C. 1395fff); or

''(ii) any requirement relating to the certification of a physician required under section 1814(a)(2)(C) of such Act (42 U.S.C. 1395f(a)(2)(C)).''.

(h) EFFECTIVE DATE.—The amendments made by this Act shall apply to items and services provided on or after the date of enactment of this Act.

**SEC. 103. EXTENSION OF TELEMEDICINE DEMONSTRATION PROJECTS.**

The Secretary of Health and Human Services shall maintain through September 30, 2003, the grant and operational phases of any telemedicine demonstration project conducted under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)—

(1) for which funds were expended before the date of enactment of the Balanced Budget Act of 1997 (Public Law 105–133; 111 Stat. 251); and

(2) that is ongoing as of the date of enactment of this Act.

## TITLE II—IMPROVEMENTS IN THE DISPROPORTIONATE SHARE HOSPITAL (DSH) PROGRAM

### SEC. 201. DISPROPORTIONATE SHARE HOSPITAL ADJUSTMENT FOR RURAL HOSPITALS.

(a) APPLICATION OF UNIFORM 15 PERCENT THRESHOLD.—Section 1886(d)(5)(F)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(v)) is amended by striking ''exceeds—'' and all that follows and inserting ''exceeds 15 percent.''.

(b) CHANGE IN PAYMENT PERCENTAGE FORMULAS.—Section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(1) in clause (iv), by striking ''and that—'' and all that follows and inserting ''is equal to the percentage determined in accordance with the applicable formula described in clause (vii).'';

(2) in clause (vii), by striking ''clause (iv)(I)'' and inserting ''clause (iv)''; and

(3) by striking clause (viii) and inserting the following new clause:

''(viii) No hospital described in clause (iv) may receive a payment amount under this section that is less than the payment amount that would have been made under this section if the amendments made by section 201 of the Rural Health Care in the 21st Century Act of 2000 had not been enacted.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to discharges occurring on or after October 1, 2000.

## TITLE III—IMPROVEMENTS IN THE CRITICAL ACCESS HOSPITAL (CAH) PROGRAM

### SEC. 301. TREATMENT OF SWING-BED SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.

(a) EXEMPTION FROM SNF PPS.—Section 1888(e)(7) of the Social Security Act (42 U.S.C. 1395yy(e)(7)) is amended—

(1) in the heading, by striking ''TRANSITION FOR'' and inserting ''TREATMENT OF'';

(2) in subparagraph (A), by striking ''IN GENERAL.—The'' and inserting ''TRANSITION.—Except as provided in subparagraph (C), the'';

(3) in subparagraph (B), by striking '', for which'' and all that follows before the period at the end and inserting ''(other than critical access hospitals)''; and

(4) by adding at the end the following new subparagraph:

''(C) CRITICAL ACCESS HOSPITALS.—In the case of facilities described in subparagraph (B) that are critical access hospitals—

''(i) the prospective payment system established under this subsection shall not apply to services furnished pursuant to an agreement described in section 1883; and

''(ii) such services shall be paid on the basis specified in subsection (a)(3) of such section.''.

(b) PAYMENT BASIS FOR SWING-BED SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.—Section 1883(a) of the Social Security Act (42 U.S.C. 1395tt(a)) is amended—

(1) in paragraph (2)(A), by inserting ''(other than a critical access hospital)'' after ''any hospital''; and

(2) by adding at the end the following new paragraph:

''(3) Notwithstanding any other provision of this title, a critical access hospital shall be paid for services furnished under an agreement entered into under this section on the basis of the reasonable costs of such services (as determined under section 1861(v)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after October 1, 1999.

### SEC. 302. TREATMENT OF AMBULANCE SERVICES FURNISHED BY CERTAIN CRITICAL ACCESS HOSPITALS.

(a) EXEMPTION FROM AMBULANCE FEE SCHEDULE.—

(1) IN GENERAL.—Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

''(8) INAPPLICABILITY OF FEE SCHEDULE TO CERTAIN SERVICES.—In the case of ambulance services (described in section 1861(s)(7)) that are provided in a locality by a critical access hospital that is the only provider of ambulance services in the locality, or by an entity that is owned and operated by such a critical access hospital—

''(A) the fee schedule established under this subsection shall not apply; and

''(B) payment under this part shall be paid on the basis of the reasonable costs incurred in providing such services.''.

(2) CONFORMING AMENDMENTS.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in subparagraph (R)—

(i) by inserting ''except as provided in subparagraph (T),'' before ''with respect''; and

(ii) by striking ''and'' at the end; and

(B) in subparagraph (S), by striking the semicolon at the end and inserting '', and (T) with respect to ambulance services described in section 1834(l)(8), the amount paid shall be 80 percent of the lesser of the actual charge for the services or the amount determined under such section;''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to cost reporting periods beginning on or after October 1, 1999.

(b) EXEMPTION FROM REASONABLE COST REDUCTIONS.—

(1) EXEMPTION.—Section 1861(v)(1)(U) of the Social Security Act (42 U.S.C. 1395x(v)(1)(U)) is amended by inserting after the first sentence the following new sentence: ''The reductions required by the preceding sentence shall not apply in the case of ambulance services that are provided in a locality on or after October 1, 1999, by a critical access hospital that is the only provider of ambulance services in the locality, or by an entity that is owned and operated by such a critical access hospital.''.

(2) TECHNICAL AMENDMENT.—Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) is amended by realigning subparagraph (U) so as to align the left margin of such subparagraph with the left margin of subparagraph (T).

### SEC. 303. TREATMENT OF HOME HEALTH SERVICES FURNISHED BY CERTAIN CRITICAL ACCESS HOSPITALS.

(a) EXEMPTION FROM HOME HEALTH INTERIM PAYMENT SYSTEM.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) is amended by adding at the end the following new clause:

''(xi) The preceding provisions of this subparagraph shall not apply to home health services that are furnished on or after October 1, 2000, by a home health agency that is—

''(I) the only home health agency serving a locality; and

''(II) owned and operated by a critical access hospital.''.

(b) EXEMPTION FROM PPS.—

(1) IN GENERAL.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

''(e) EXEMPTION.—The prospective payment system established under this section shall not apply in determining payments for home health services furnished by a home health agency that is—

''(1) the only home health agency serving a locality; and

''(2) owned and operated by a critical access hospital.''.

(2) CONFORMING AMENDMENT.—Section 1833(a)(2)(A) of the Social Security Act (42 U.S.C. 1395(a)(2)(A)) is amended by inserting ''home health services described in section 1895(e) and other than'' after ''other than''.

(3) TECHNICAL AMENDMENT.—Section 1833(a)(2)(A) of the Social Security Act (42 U.S.C. 1395(a)(2)(A)) is amended by striking ''drug) (as defined in section 1861(kk))'' and inserting ''drug (as defined in section 1861(kk)))''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to cost reporting periods beginning on or after October 1, 2000.

### SEC. 304. DESIGNATION OF A SINGLE FISCAL INTERMEDIARY FOR ALL CRITICAL ACCESS HOSPITALS.

Section 1816 of the Social Security Act (42 U.S.C. 1395h) is amended by adding at the end the following:

''(m) Not later than October 1, 2000, the Secretary shall designate a national agency or organization with an agreement under this section to perform functions under the agreement with respect to each critical access hospital electing to have such functions performed by such agency or organization.''.

### SEC. 305. ESTABLISHMENT OF AN ALL-INCLUSIVE PAYMENT OPTION FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.

(a) ALL-INCLUSIVE PAYMENT OPTION FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—Section 1834(g) of the Social Security Act (42 U.S.C. 1395m(g)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) ELECTION OF CAH.—At the election of a critical access hospital, the amount of payment for outpatient critical access hospital services under this part shall be determined under paragraph (2) or (3), such amount determined under either paragraph without regard to the amount of the customary or other charge.''; and

(2) by striking paragraph (3) and inserting the following new paragraph:

''(3) ALL-INCLUSIVE RATE.—If a critical access hospital elects this paragraph to apply, with respect to both facility services and professional services, there shall be paid amounts equal to the reasonable costs of the critical access hospital in providing such services (except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services), less the amount that such hospital may charge as described in section 1866(a)(2)(A).''.

(b) EFFECTIVE DATE.—The amendments made by subparagraph (a) shall take effect as if included in the enactment of section 403(d) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–371), as enacted into law by section 1000(a)(6) of Public Law 106–113.

## TITLE IV—OUTPATIENT SERVICES FURNISHED BY RURAL PROVIDERS

### SEC. 401. PERMANENT GUARANTEE OF PRE-BBA PAYMENT LEVELS FOR OUTPATIENT SERVICES FURNISHED BY RURAL HOSPITALS.

(a) IN GENERAL.—Section 1833(t)(7)(D) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)), as added by section 202 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–342), as enacted into law by section 1000(a)(6) of Public Law 106–113, is amended to read as follows:

''(D) HOLD HARMLESS PROVISIONS FOR SMALL RURAL HOSPITALS AND CANCER HOSPITALS.—In the case of a hospital located in a rural area and that has not more than 100 beds or a hospital described in section 1886(d)(1)(B)(v), for covered OPD services for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount of such difference.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 202 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–342), as enacted into law by section 1000(a)(6) of Public Law 106–113.

**SEC. 402. PROVIDER-BASED RURAL HEALTH CLINIC CAP EXEMPTION.**

(a) IN GENERAL.—The matter in section 1833(f) of the Social Security Act (42 U.S.C. 1395l(f)) preceding paragraph (1) is amended by striking ''with less than 50 beds'' and inserting ''with an average daily patient census that does not exceed 50''.

(b) EFFECTIVE DATE.—The amendment made by subparagraph (A) applies to services furnished on or after January 1, 2001.

**SEC. 403. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.**

(a) PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.—Section 1842(b)(6)(C) of the Social Security Act (42 U.S.C. 1395u(b)(6)(C)) is amended by striking ''for such services provided before January 1, 2003,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

**SEC. 404. EXCLUSION OF RURAL HEALTH CLINIC SERVICES FROM THE PPS FOR SKILLED NURSING FACILITIES.**

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting after the first sentence the following: ''Services described in this clause also include services that are provided by a physician, a physician assistant, a nurse practitioner, a certified nurse midwife, or a qualified psychologist who is employed, or otherwise under contract, with a rural health clinic.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2001.

**SEC. 405. BONUS PAYMENTS FOR RURAL HOME HEALTH AGENCIES.**

(a) INCREASE IN PAYMENT RATES FOR RURAL AGENCIES.—

(1) IN GENERAL.—Section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)) is amended by adding at the end the following new paragraph:

''(7) ADDITIONAL PAYMENT AMOUNT FOR SERVICES FURNISHED IN RURAL AREAS.—In the case of home health services furnished in a rural area (as defined in section 1886(d)(2)(D)), the Secretary shall provide for an addition or adjustment to the payment amount otherwise made under this section for services furnished in a rural area in an amount equal to 10 percent of the amount otherwise determined under this subsection.''.

(2) WAIVING BUDGET NEUTRALITY.—Section 1895(b)(3) of such Act (42 U.S.C. 1395fff(b)(3)) is amended by adding at the end the following new subparagraph:

''(D) NO ADJUSTMENT FOR ADDITIONAL PAYMENTS FOR RURAL SERVICES.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under this paragraph applicable to home health services furnished during a period to offset the increase in payments resulting from the application of paragraph (7) (relating to services furnished in rural areas).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to episodes of care beginning on or after April 1, 2001.

## TITLE V—BAD DEBT

**SEC. 501. RESTORATION OF FULL PAYMENT FOR BAD DEBTS OF QUALIFIED MEDICARE BENEFICIARIES.**

(a) MEDICARE COST-SHARING UNCOLLECTIBLE AND NOT COVERED BY MEDICAID STATE PLANS.—Section 1902(n)(3)(B) of the Social Security Act (42 U.S.C. 1396a(n)(3)(B)) is amended—

(1) by inserting ''(i)'' after ''(B)''; and

(2) by adding at the end the following new clause:

''(ii) the amount of medicare cost-sharing that is uncollectible from the beneficiary because of clause (i) and that is not paid by any other individual or entity shall be deemed to be bad debt for purposes of title XVIII; and''.

(b) RECOGNITION OF 100 PERCENT OF BAD DEBT.—

(1) NONAPPLICATION OF REDUCTION.—Section 1861(v)(1)(T) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)) is amended by inserting ''(other than any amount deemed to be bad debt under section 1902(n)(3)(B)(ii))'' after ''amounts under this title''.

(2) RECOGNITION WITH RESPECT TO CERTIFIED NURSE ANESTHETISTS, NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(A) in subsection (l)(5)(B), by striking ''No hospital'' and inserting ''Except as provided in section 1902(n)(3)(B)(ii), no hospital''; and

(B) in subsection (r)(2), by striking ''No hospital'' and inserting ''Except as provided in section 1902(n)(3)(B)(ii), no hospital''.

(c) TECHNICAL AMENDMENT.—Section 1861(v)(1)(T) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)) is amended by striking ''1833(t)(5)(B)'' and inserting ''1833(t)(8)(B)'' in the matter preceding clause (i).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bad debt incurred on or after the date of enactment of this Act.

## TITLE VI—NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

**SEC. 601. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.**

(a) IN GENERAL.—Section 117(c) of the Internal Revenue Code of 1986 (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking ''Subsections (a)'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)''; and

(2) by adding at the end the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any amount received by an individual under the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1994.

## TITLE VII—TECHNICAL CORRECTIONS TO BALANCED BUDGET REFINEMENT ACT OF 1999

**SEC. 701. EXTENSION OF OPTION TO USE REBASED TARGET AMOUNTS TO ALL SOLE COMMUNITY HOSPITALS.**

(a) IN GENERAL.—Section 1886(b)(3)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(I)(i)) (as added by section 405 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–372), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(1) in the matter preceding subclause (I)—

(A) by striking ''for its cost reporting period beginning during 1999 is paid on the basis of the target amount applicable to the hospital under subparagraph (C) and that''; and

(B) by striking ''such target amount'' and inserting ''the amount otherwise determined under subsection (d)(5)(D)(i)'';

(2) in subclause (I), by striking ''target amount otherwise applicable'' and all that follows through ''target amount')'' and inserting ''the amount otherwise applicable to the hospital under subsection (d)(5)(D)(i) (referred to in this clause as the 'subsection (d)(5)(D)(i) amount')''; and

(3) in each of subclauses (II) and (III), by striking ''subparagraph (C) target amount'' and inserting ''subsection (d)(5)(D)(i) amount''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by section 1000(a)(6) of Public Law 106–113.

**SEC. 702. PAYMENTS TO CRITICAL ACCESS HOSPITALS FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.**

(a) PAYMENT ON COST BASIS WITHOUT BENEFICIARY COST-SHARING.—

(1) IN GENERAL.—Section 1833(a)(6) of the Social Security Act (42 U.S.C. 1395l(a)(6)) is amended by inserting ''(including clinical diagnostic laboratory services furnished by a critical access hospital)'' after ''outpatient critical access hospital services''.

(2) NO BENEFICIARY COST-SHARING.—

(A) IN GENERAL.—Section 1834(g) of the Social Security Act (42 U.S.C. 1395m(g)) is amended by inserting ''(except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services)'' before the period at the end.

(B) BBRA AMENDMENT.—Section 1834(g) of the Social Security Act (42 U.S.C. 1395m(g)) is amended—

(i) in paragraph (1), by inserting ''(except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services)'' after ''such services,''; and

(ii) in paragraph (2)(A), by inserting ''(except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services)'' before the period at the end.

(b) CONFORMING AMENDMENTS.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)(1)(D)(i); 1395l(a)(2)(D)(i)) are each amended by striking ''or which are furnished on an outpatient basis by a critical access hospital''.

(c) TECHNICAL AMENDMENT.—Section 403(d)(2) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–371), as enacted into law by section 1000(a)(6) of Public Law 106–113, is amended by striking ''subsection (a)'' and inserting ''paragraph (1)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to services furnished on or after November 29, 1999.

(2) BBRA AND TECHNICAL AMENDMENTS.—The amendments made by subsections

(a)(2)(B) and (c) shall take effect as if included in the enactment of section 403(d) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–371), as enacted into law by section 1000(a)(6) of Public Law 106–113.

---

By Mr. FRIST (for himself, Mr. BREAUX, Mr. BOND, and Mr. HOLLINGS):

S. 2988. A bill to establish a National Commission on Space; to the Committee on Commerce, Science, and Transportation.

MILLENNIUM NATIONAL COMMISSION ON SPACE ACT

Mr. FRIST. Mr. President, I rise to introduce the Millennium National Commission on Space Act.

The year 1999 proved to be very difficult for NASA. The Commerce Committee reviewed reports on such incidents as:

Workers searching for misplaced Space Station tanks in a landfill;

Loose pins in the Shuttle's main engine;

Failure to make English-metric conversions causing the failure of a $125 million mission to Mars;

Two-time use of ''rejected'' seals on Shuttle's turbopumps;

$1 billion of cost overruns on the prime contract for the Space Station with calls from the Inspector General at NASA for improvement in the agency's oversight;

Workers damaging the main antennae on the Shuttle for communication between mission control and the orbiting Shuttle;

Urgent repair mission to the Hubble telescope;

Approximately $1 billion invested in an experimental vehicle and currently no firm plans for its first flight, if it flies at all; and

The lack of long-term planning for the Space Station, an issue on which the Science, Technology, and Space Subcommittee of the Commerce Committee has repeatedly questioned NASA.

It is the last of these items, the lack of long-term planning for the Space Station and the lack of long-term planning of NASA and the civilian space program, that is of a concern to me. I feel that the civilian space program is in need of some guidance. Just as the space policy of the 1980's had changed since the creation of NASA in 1958, the space policy of the New Millennium needs to change from the 1980's.

Space has become more commercialized. Today, the private sector conducts more space launches than the government. There are many more companies developing plans to implement other new and innovative commercial ventures.

I feel that the long term civilian space goals and objectives of the nation are in need of some major revisions. As I mentioned earlier, today's environment has changed drastically since the last commission of this type was assembled.

This bill proposes a Presidential Commission to address these points. The commission will do the ''homework'' that will form the basis for a revised civilian space program. The civilian space industry has proven to be a valuable national asset over the years. The goal of this bill will be to ensure that the U.S. maintains its preeminence in space.

This commission will consist of 15 Members appointed by the President based upon the recommendations of Congressional leadership. My hope is that today's new environment will be reflected in the make-up of the commission's members. For that reason, the bill sets limits on how many members shall be from the government and how many should serve on their first federal commission. Ex-officio members of the commission are also specified in the bill. Advisory members from the Senate and the House of Representatives are to be appointed to the commission by the President of the Senate and the Speaker of the House of Representatives.

The final report of the commission is to identify the long range goals, opportunities, and policy options for the U.S. civilian space activity for the next 20 years.

As Chairman of the Science, Technology and Space Subcommittee of the Commerce Committee, I will continue our oversight responsibilities at NASA. I look forward to working with other Members of this body to further perfect this bill.

Mr. President, I thank you for this opportunity to introduce this legislation which addresses these very important issues for the space community.

Mr. BREAUX. Mr. President, as the Ranking Democratic Member of the Commerce Committee's Science, Technology, and Space Supcommittee, I am joining my Chairman, Senator FRIST, in introducing legislation to establish a National Space Commission.

If past experience holds true, NASA will be a catalyst for scientific discovery in this new century. In the past year, NASA has worked on a variety of valuable projects from finding a value for the Hubble Constant which measures how fast the universe is expanding to docking with the International Space Station for the very first time. Earlier this week, NASA and the Russian Space Agency completed the docking of the Service Module to the International Space Station, setting the stage for the first permanent crew to occupy the station.

Now, our space exploration agency is poised at a crossroads. After several failures, management has made some changes and reinvested in the work force and in project oversight. During the next year, NASA will try to meet a very aggressive schedule for the assembly of the Space Station, and we will finally have our orbiting laboratory in space. At the same time, a new Administration will be entering the White House. It seems to be an appropriate moment to stand back and ask where our space program is going in the next twenty years.

Now is the time to look to the future. The Millennium National Space Commission will build on the work of the 1985 National Space Commission and help us formulate an agenda for the civilian space program. In doing so, it will help keep this nation in the forefront of scientific exploration of ''the final frontier.''

---

By Mr. MCCAIN (for himself and Mr. KERREY):

S. 2989. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

LOW POWER RADIO ACT OF 2000

Mr. MCCAIN. Mr. President, I rise today to introduce a bill with my friend and colleague Senator KERREY to resolve the controversy that has erupted over the Federal Communications Commission's creation of a new, noncommercial low-power FM radio service.

As you undoubtedly know, the FCC's low-power FM rules will allow the creation of thousands of new noncommercial FM radio stations with coverage of about a mile or so. Although these new stations will give churches and community groups new outlets for expression of their views, commercial FM broadcasters as well as National Public Radio oppose the new service. They argue that the FCC ignored studies showing that the new low-power stations would cause harmful interference to the reception of existing full-power FM stations.

Mr. President, legislation before the House of Representatives would call a halt to the institution of low-power FM service by requiring further independent study of its potential for causing harmful interference to full-power stations, and Senator GREGG has introduced the same legislation in the Senate. While this would undoubtedly please existing FM radio broadcasters, it understandably angers the many parties who are anxious to apply for the new low-power licenses. Most importantly, it would delay the availability of whatever new programming these new low-power licensees might provide, even where the station would have caused no actual interference at all had it been allowed to operate.

With all due respect to Senator GREGG and to the supporters of the House bill, Senator KERREY and I think we can reach a fairer result, and the bill we are introducing, the Low Power Radio Act of 2000, is intended to do just that.

Unlike Senator GREGG's bill, the Low Power Radio Act would allow the FCC to license low-power FM radio stations. The only low-power FM stations that would be affected would be those whose transmissions are actually causing harmful interference to a full-power radio station. The Commission would determine which stations are causing such interference and what the low-power station must do to alleviate it,

as the expert agency with the experience and engineering resources required to make such determinations.

The Act gives full-power broadcasters the right to file a complaint with the Commission against any low-power FM licensee for causing harmful interference, and stipulates that the costs of the proceeding shall be borne by the losing party. Finally, to make sure that the FCC does not relegate the interests of full-power radio broadcasters to secondary importance in its eagerness to launch the new low-power FM service, the bill requires the FCC to complete all rulemakings necessary to implement full-power stations' transition to digital broadcasting no later than June 1, 2001.

Mr. President, this legislation strikes a fair balance by allowing non-interfering low-power FM stations to operate without further delay, while affecting only those low-power stations that the FCC finds to be causing harmful interference in their actual, everyday operations. This is totally consistent with the fact that low-power FM is a secondary service which, by law, must cure any interference caused to any primary, full-power service. This legislation will provide an efficient and effective means to detect and resolve harmful interference. By providing a procedural remedy with costs assigned to the losing party, the bill will discourage the creation of low-power stations most likely to cause harmful interference even as it discourages full-power broadcasters from making unwarranted interference claims. And for these reasons it will provide a more definitive resolution of opposing interference claims than any number of further studies ever could.

Mr. President, in the interests of would-be new broadcasters, existing broadcasters, but, most of all, the listening public, I urge the enactment of the Low Power Radio Act of 2000.

Mr. KERREY. Mr. President, I am pleased to introduce today the Low Power Radio Act of 2000 with Senator MCCAIN. Low power FM radio is an effort to bring more diversity to the airwaves. Though radio airwaves belong to the public, only a handful of people currently control what we hear on-air. Low power FM will expand that number by thousands, giving a voice to local governments, community groups, churches, and schools.

I understand that there is some concern that these new low-power signals will interfere with existing full-power stations. I believe these fears are greatly exaggerated. The Federal Communications Commission (FCC) has decades-long experience dealing with FM-spectrum issues, and they have conducted extensive testing to ensure that these new stations will not cause interference.

Should interference occur, however, I believe that full-power stations must have a process for alleviating the problem. The Low Power Radio Act allows any broadcaster or listener to file a formal complaint with the FCC. If the FCC determines that a low-power station is causing harmful interference, the low power station will be removed from the airwaves while a technical remedy is found. To discourage frivolous complaints, however, the FCC is authorized to assess reimbursement of costs associated with the proceeding as well as punitive damages onto any full-power station who files a complaint without any purpose other than to impede a low-power radio transmission.

This initiative has undergone a considerable period of testing and public comment. Delaying implementation will only result in more conflicting engineering studies without guaranteeing that interference will not occur. I believe that it is time to let low power FM go forward. The Low Power Radio Act gives the FCC the authority to resolve harmful interference complaints on a case-by-case, common sense basis. It is a compromise that can work to the benefit of existing broadcasters, potential low power licensees, and all radio listeners.

---

By Mr. KERRY (for himself and Mr. FEINGOLD):

S. 2990. A bill to amend chapter 42 of title 28, United States Code, to establish the Judicial Education Fund for the payment of reasonable expenses of judges participating in seminars, to prohibit the acceptance of seminar gifts, and for other purposes; to the Committee on the Judiciary.

THE JUDICIAL EDUCATION REFORM ACT OF 2000

Mr. KERRY. Mr. President, I send to the desk a bill for introduction. The bill is entitled the Judicial Education Reform Act of 2000. Mr. FEINGOLD is cosponsoring the legislation.

Mr. President, as the arbiters of justice in our democracy, judges must be honest and fair in their duties. As importantly, if the rule of law is to have force in our society, citizens must have faith that judges approach their duties honestly and fairly, and that their decisions are based solely on the law and the facts of each case. Even if every judge were uncorrupt and incorruptible, their honesty would mean nothing if the public loses confidence in them. Court rulings are effectively only if the public believes that they have been arrived at through impartial decision-making. The judiciary must avoid the appearance of conflict as fastidiously as it avoids conflict.

Recent press coverage and an investigation by the public interest law firm Community Rights Counsel have revealed that more than 230 federal judges have taken more than 500 trips to resort locations for legal seminars paid for by corporations, foundations, and individuals between 1192 and 1998. Many of these sponsors have one-sided legal agendas in the courts designed to advance their own interests at the expense of the public interest. In many cases, judges accepted seminar trips while relevant cases were pending before their court. In some cases, judges ruled in favor of a litigant bankrolled by a seminar sponsor. And in one case a judge ruled one way, attended a seminar and returned to switch his vote to agree with the legal views expressed by the sponsor of the trip.

The notion that federal judges are accepting all-expense-paid trips that combine highly political legal theory with stays at resort locations from persons with interests before their courts creates an appearance of conflict that is unacceptable and unnecessary. At a minimum, it creates a perception of improper influence that erodes the trust the American people must have in our judicial system.

Fortunately, the problems posed by improper judicial junkets can be remedied and the appearance of judicial impartiality restored. The Judicial Education Reform Act will seek to amend the Ethics Reform Act of 1989 to close the loophole that allows for privately-funded seminars by requiring federal judges to live by the same rules that now govern federal prosecutors. The proposal is modeled after the successful Federal Judicial Center. It will ensure that legal educational seminars for judges serve to educate, not improperly influence. It will ensure that these seminars improve our judiciary through better-trained and better-informed judges, not undermine it by eroding public confidence in judicial neutrality.

Specifically, the legislation bans privately-funded seminars by prohibiting judges from accepting private seminars as gifts, providing appropriate exceptions, such as where a judge is a speaker, presenter or panel participant in such a seminar. The proposal establishes a Judicial Education Fund of $2 million within the U.S. Treasury for the payment of expenses incurred by judges attending seminars approved by the Board of the Federal Judicial Center. It requires the Judicial Conference to promulgate guidelines to ensure that the Board approves only those seminars that are conducted in a manner that will maintain the public's confidence the judiciary. Finally, the proposal requires that the Board approve a seminar only after information on its content, presenters, funding and litigation activities of sponsors and presenters are provided. If approved, information on the seminar must be posted on the Internet.

Mr. President, in introducing this legislation, I am not charging the federal judiciary or any single judge with improper behavior. I do not question the integrity of judges, rather I question a system that creates the clear appearance of conflict. I understand the need for education. Our economy has mainstreamed once exotic technologies in communication, medicine and other fields, and it is important that judges have access to experts to keep current on technological advances. And I recognize the need for judges to be exposed to diverse legal views and to test current legal views. The Judicial Education Reform Act legislation provides

$2 million for precisely that purpose. No judge will be without access to continuing education. But, that education will not be funded by private entities with broad legal agendas before the federal courts, or, as has happened in some of the most unfortunate cases, private entities with cases pending before participating judges.

Finally, Mr. President, I ask unanimous consent to place in the record a statement from the Honorable Abner J. Mikva on this subject. Mr. Mikva is a former Chief Judge on the United States Court of Appeals for the D.C. Circuit and a current Visiting Professor of Law at the University of Chicago. His statement captures this the essence this issue and need for reform.

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

STATEMENT OF ABNER J. MIKVA

The notion that judges must be honest for the system to work is hardly a profound statement. As early as the Declaration of Independence, our founders complained about judges who were obsequious to King George, rather than the cause of justice. But a pure heart is not all that judges must bring to the judicial equation. For the system to work as it should, the judges must be perceived to be honest, to be without bias, to have no tilt in the cause that is being heard.

That perception of integrity is much more difficult to obtain. After spending 15 years as a judge and a lifetime as a lawyer and lawmaker, I can safely say that the number of judges who were guilty of outright dishonesty—malum in se—were happily very few. Even taking into account that I started practicing law in Chicago in the bad old days, the number of crooked judges was small. But that is not what people believe—then or now.

The framers and attenders to our judicial system have taken many steps to help foster the notion of the integrity of its judges. Some relate to smoke and mirrors—the high bench, the black robe, the ''all rise'' custom when the judge enters the room. Some, like life tenure for federal judges, the codes of conduct promulgated for all judges, are intended to create the climate for integrity and good behavior. (The Constitution limits the life tenure of federal judges to their ''good behavior''.)

All of those steps become meaningless when private interests are allowed to wine and dine judges at fancy resorts under the pretext of ''educating'' them about complicated issues. If an actual party to a case took the judge to a resort, all expenses paid, shortly before the case was heard, it would not matter what they talked about. Even if all they discussed were their prostate problems, the judge and the party would be perceived to be acting improperly. The conduct is no less reprehensible when an interest group substitutes for the party to the case, and the format for discussion is seminars on environmental policy, or law and economics, or the ''takings clause'' of the Constitution.

That's what this report is about. It is about the perception of dishonesty that arises when judges attend seminars and study sessions sponsored by corporations and foundations that have a special interest in the interpretation given to environmental laws. It may be a coincidence that the judges who attend these meetings usually come down on the same side of important policy questions as the funders who finance these meetings. It may even be a coincidence that very few environmentalists are invited to address the judges in the bucolic surroundings where the seminars are held. But I doubt it. More importantly, any citizen who reads about judges attending such fancy meetings under such questionable sponsorship, will doubt it even more.

The federal judiciary has a very effective Federal Judicial Center. It already provides many of the educational services that these special interest groups seek to provide to judges. Admittedly, since the Center is using taxpayer funds and must answer to Congress, the locals of their programs are not as exotic. (The last ones I attended were in South Bend, Indiana in October, and Washington, D.C. in December.) The purpose of Center sponsored programs is as vanilla as it claims: there is no agenda to get the judges to perform in any particular way in handling environmental cases. As a result, the programs are not only balanced as to presentation, but they provide no tilt to the judges' subsequent performance.

Unfortunately, the U.S. Judicial Conference, the governing body for all federal judges, has punted on the propriety of judges attending seminars funded by special interest groups. It advised judges to consider the propriety of such seminars on a ''case by case'' process. That delicacy has not begun to stem the erosion of public confidence in the fairness of the judicial process when it comes to environmental causes. One of the special interest sponsoring groups publishes a ''Desk Reference for Federal Judges'' which it distributes to all its judge attendees. That must be a real confidence builder for an environmental group that sees it on the desk of a judge sitting on its case. One of the judges on the court on which I sat has attended some 12 trips sponsored by the three most prominent special interest seminar groups. I remember at least two occasions where co-panelist judges took positions that they had heard advocated at seminars sponsored by groups with more than a passing interest in the litigation under consideration.

When I was in the executive branch, all senior officials operated under a very prophylactic rule. Whenever we were invited to attend or speak at a private gathering, the government paid our way. Whether it was the U.S. Chamber of Commerce or the A.F.L.–C.I.O., nobody could even imply that the official was being wined and dined and brainwashed to further some special interest. Experience showed that such a policy was not sufficient in itself to restore people's confidence in the Executive Branch; at least we didn't make the problem worse.

If the Federal Judicial Center can't provide sufficient judicial education to the task, maybe the federal judges could use such a prophylaxis. If the judges want to go traveling, let the government pay for the trip. It may or may not change the places they go or the things they learn, but it will at least change the transactional analysis.

Mr. FEINGOLD. Mr. President, at the very foundation of our system of justice is the notion that judges will be fair and impartial. Strict ethical guidelines have been in effect for years to remove even the hint of impropriety from the conduct of those we entrust with the responsibility of adjudicating disputes and applying the law.

In recent years, there have been disturbing reports of judges participating in legal education seminars sponsored and paid for by organizations that simultaneously fund federal court litigation on the same topics that are covered by the seminars. Some of these seminars have a clearly biased agenda in favor a certain legal philosophy. A recent report released by Community Rights Counsel found that at least 1,030 federal judges took over 5,800 privately funded trips between 1992 and 1998. The appearance created by these seminars is not consistent with the image of an impartial judiciary.

Some of these seminars are conducted at posh vacation resorts in locations such as Amelia Island, Florida and Hilton Head, South Carolina, and include ample time for expense-paid recreation. These kinds of education/vacation trips, which have been valued at over $7,000 in some cases, create an appearance that the judges who attend are profiting from their positions. Again, this is an appearance that is at odds with the traditions of our judiciary.

One-sided seminars given in wealthy resorts funded by wealthy corporate interests to ''educate'' our judges in a particular view of the law cannot help but undermine public confidence in the decisions that judges who attend the seminars ultimately make. I am pleased, therefore, to join with my colleague from Massachusetts, Senator KERRY, to introduce the Judicial Education Reform Act of 2000. Our bill instructs the judicial conference to issue guidelines prohibiting judges from attending privately funded education seminars. The bill also authorizes $2 million per year over five years so that the Federal Judicial Center, FJC, can reimburse judges for seminars they wish to attend, as long as those seminars are approved by the FJC under guidelines that will ensure that the seminars are balanced and will maintain public confidence in the judiciary. And the bill makes clear that the FJC cannot reimburse judges for the expense of recreational activities at the seminars.

Mr. President, I have expressed concern throughout my time in the Congress about the improper influence of campaign contributions and gifts on members of Congress and the executive branch. Community Rights Counsel's report has turned the spotlight on the judicial branch and what it reveals is not at all comforting. The influence of powerful interests on judicial decisionmaking through these education seminars should concern everyone who believes in the rule of law in this country. If judges are seen to be under the influence of the wealthy and powerful in our society, ''equal justice under law'' will become an empty platitude rather than a powerful aspiration for the greatest judicial system on earth. I believe this bill will help us fulfill the promise of that great aspiration, and I hope my colleagues will join Senator KERRY and me in supporting it.

I yield the floor.

---

By Mr. LEAHY (for himself and Mr. KOHL):

S. 2993. A bill to enhance competition for prescription drugs by increasing the

ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

## DRUG COMPETITION ACT

Mr. LEAHY. Mr. President, I have heard a lot of outrageous examples of greed in my life but one of the worst is where pharmaceutical giants pay generic drug companies to keep low-cost drugs from senior citizens and from families.

If Dante were still alive today I am certain he would find a special resting place for those who engage in these conspiracies.

The Federal Trade Commission and the New York Times deserve credit for exposing this problem. Simply stated: some manufacturers of patented drugs—often brand-name drugs—are paying millions each month to generic drug companies to keep lower-cost products off the market.

This hurts senior citizens, it hurts families, it cheats healthcare providers and it is a disgrace.

These pharmaceutical giants and their generic partners then share the profits gained from cheating American families.

The companies have been able to get away with this by signing secret deals with each other not to compete. My bill, which I am introducing today, will expose these deals and subject them to immediate investigation and action by the Federal Trade Commission, or the Justice Department. This solves the most difficult problem faced by federal investigators—finding out about the improper deals. This bill does not change the so-called Hatch-Waxman Act, it does not amend FDA law, and it does not slow down the drug approval process. It allows existing antitrust laws to be enforced because the enforcement agencies have information about deals not to compete.

Fortunately, the FTC was able to get copies of a couple of these secret contracts and instantly lowered the boom on the companies

Mr. President, I ask unanimous consent that an editorial in the July 26, New York Times, called ''Driving Up Drug Prices'' be printed in the RECORD.

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

DRIVING UP DRUG PRICES

Two recent antitrust actions by the Federal Trade Commission and a related federal court decision have exposed the way some pharmaceutical companies conspire to keep low-priced drugs out of reach of consumers. Manufacturers of patented drugs are paying tens of millions of dollars to manufacturers of generic drugs if they agree to keep products off the market. The drug companies split the profits from maintaining a monopoly at the consumer's expense. The commission is taking aggressive action to curb the practice. It needs help from Congress to close loopholes in federal law.

Dissatisfied with the supply of generic drugs, Congress passed the Hatch-Waxman act in 1984 to encourage manufacturers to challenge weak or invalid patents on brand-name drugs. The act grants temporary protection from competition to the first manufacturer that receives permission from federal authorities to sell a generic drug before the patent on a brand-name drug expires. For 180 days, the federal government promises to approve no other generic drug.

But as reported Sunday by Sheryl Gay Stolberg and Jeff Gerth of The Times, drug companies are undermining Congress's intent. Hoechst Marion Roussel, the maker of drugs to treat hypertension and angina, agreed in 1997 to pay Andrx Pharmaceuticals to delay bringing its generic alternative to market. The commission brought charges against the companies last March and a federal judge declared last month in a private lawsuit that the agreement violated antitrust laws.

In a second case, Abbott Laboratories paid Geneva pharmaceuticals to delay selling a generic alternative to an Abbott drug that treats hypertension and enlarged prostates. Geneva's drug could have cost Abbott over 30 million a month in sales. In both cases, the manufacturer of the generic drug used its claim to the 180-day grace period to block other generic drugs from entering the market.

The drug companies deny that their agreements violate the antitrust laws, presenting them as private preliminary settlements between companies engaged in patent disputes. That is untenable. The agreements are overly broad, temporarily stopping all sales of generic drugs. Typically in settlement of a patent dispute, the company infringing on the patent would pay the patent holder. In these cases it is reversed, stunting competition. The agreements are also private, going into effect before a court reviews the public interest.

Not all private settlements are anti-consumer. That is why the commission has taken a careful case-by-case approach. It could use a little help from congress. The 180-day grace period was designed to encourage generics to enter the market. Since it is being manipulated to impede competition, the grace period needs to be fixed so that the production of generic drugs cannot be blocked by a single company that decides not to compete.

Mr. LEAHY. This editorial neatly summarizes the problem and concludes that the FTC ''is taking aggressive action to curb the practice. It needs help from Congress to close loopholes in federal law.''

My bill slams the door shut on would-be violators by exposing the deals to our competition enforcement agencies.

Under current law, manufacturers of generic drugs are encouraged to challenge weak or invalid patents on brand-name drugs so that consumers can enjoy lower generic drug prices.

Current law grants these generic companies a temporary protection from competition to the first manufacturer that gets permission to sell a generic drug before the patent on the brand-name drug expires.

This approach then gives the generic company a 180-day headstart on other generic companies.

That was a good idea—the unfortunate loophole exploited by a few is that secret deals can be made that allow the manufacturer of the generic drug to claim the 180-day grace period—to block other generic drugs from entering the market—while, at the same time, getting paid by the brand-name manufacturer to not sell the generic drug.

The bill I am introducing today will shut this loophole down for companies who want to cheat the public, but keeps the system the same for companies engaged in true competition with each other. This bill would give the FTC or the Justice Department the information it needs to take quick and decisive action against companies driven more by greed than by good sense.

I think it is important for Congress not to overreact in this case and throw out the good with the bad. Most generic companies want to take advantage of this 180-day provision and deliver quality generic drugs at much lower costs for consumers. We should not eliminate the incentive for them.

Instead, we should let the FTC and Justice look at every single deal that could lead to abuse so that only the deals that are consistent with the intent of that law will be allowed to stand.

This bill was quickly drafted because I wanted my colleagues to be able to look at it over the recess so that we can be ready to act when we get back in session.

I look forward to suggestions from other Members on this matter and from brand-name and generic companies who will work with me to make sure this loophole is closed. I am not interested in comments from companies who want to continue to cheat consumers.

I ask unanimous consent to print the bill in the RECORD.

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

S. 2993

*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 ''Drug Competition Act of 2000.''

**SEC. 2. FINDINGS.**

Congress finds that—

(1) prescription drug costs are increasing at an alarming rate and are a major worry of senior citizens and American families;

(2) there is a potential for drug companies owning patents on brand-name drugs to enter to private financial deals with generic drug companies in a manner that could tend to restrain trade and greatly reduce competition and increase prescription drug costs for American citizens; and

(3) enhancing competition between generic drug manufacturers and brand name manufacturers can significantly reduce prescription drug costs to American families.

**SEC. 3. PURPOSE.**

The purposes of this Act are—

(1) to provide timely notice to the Department of Justice and the Federal Trade Commission regarding agreements between companies owning patents on branded drugs and companies who could manufacture generic or bioequivalent versions of such branded drugs; and

(2) by providing timely notice, to—

(A) enhance the effectiveness and efficiency of the enforcement of the antitrust laws of the United States; and

(B) deter pharmaceutical companies from engaging in anticompetitive actions or actions that tend to unfairly restrain trade.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) AGREEMENT.—The term ''agreement'' means an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) ANTITRUST LAWS.— The term ''antitrust laws'' has the same meaning as in section 1 of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section applies to unfair methods of competition.

(3) ANDA.—The term ''ANDA'' means an Abbreviated New Drug Application, as defined under section 505(j) of the Federal Food, Drug and Cosmetic Act.

(4) BRAND NAME DRUG COMPANY.—The term ''brand name drug company'' means a person engaged in the manufacture or marketing of a drug approved under section 505(b) of the Federal Food, Drug and Cosmetic Act.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(6) FDA.—The term ''FDA'' means the United States Food and Drug Administration.

(7) GENERIC DRUG.—The term ''generic drug'' is a product that the Food and Drug Administration has approved under section 505(j) of the Federal Food, Drug and Cosmetic Act.

(8) GENERIC DRUG APPLICANT.—The term ''generic drug applicant'' means a person who has filed or received approval for an ANDA under section 505(j) of the Federal Food, Drug and Cosmetic Act.

(9) NDA.—The term ''NDA'' means a New Drug Application, as defined under 505(b) of the Federal, Food, Drug, and Cosmetic Act et seq. (21 U.S.C. 355(b) et seq.)

**SEC. 5. NOTIFICATION OF AGREEMENTS AFFECTING THE SALE OR MARKETING OF GENERIC DRUGS.**

A brand name drug manufacturer and a generic drug manufacturer that enter into an agreement regarding the sale or manufacture of a generic drug equivalent of a brand name drug that is manufactured by that brand name manufacturer and which agreement could have the effect of limiting—

(1) the research, development, manufacture, marketing or selling of a generic drug product that could be approved for sale by the FDA pursuant to the ANDA; or

(2) the research, development, manufacture, marketing or selling of a generic drug product that could be approved by the FDA;

both shall file with the Commission and the Attorney General the text of the agreement, an explanation of the purpose and scope of the agreement and an explanation of whether the agreement could delay, restrain, limit, or in any way interfere with the production, manufacture or sale of the generic version of the drug in question.

**SEC. 6. FILING DEADLINES.**

Any notice, agreement, or other material required to be filed under section 5 shall be filed with the Attorney General and the FTC not later than 10 business days after the date the agreements are executed.

**SEC. 7. ENFORCEMENT.**

(a) CIVIL FINE.—Any person, or any officer, director, or partner thereof, who fails to comply with any provision of this Act shall be liable for a civil penalty of not more than $20,000 for each day during which such person is in violation of this Act. Such penalty may be recovered in a civil action brought by the United States, or brought by the Commission in accordance with the procedures established in section 16(a)(1) of the Federal Trade Commission Act (15 U.S.C. 56(a)).

(b) COMPLIANCE AND EQUITABLE RELIEF.—If any person, or any officer, director, partner, agent, or employee thereof, fails to comply with the notification requirement under section 5 of this Act, the United States district court may order compliance, and may grant such other equitable relief as the court in its discretion determines necessary or appropriate, upon application of the Commission or the Assistant Attorney General.

**SEC. 8. RULEMAKING.**

The Commission, with the concurrence of the Assistant Attorney General and by rule in accordance with section 553 of title 5, consistent with the purposes of this Act—

(1) may require that the notice described in section 5 of this Act be in such form and contain such documentary material and information relevant to the agreement as is necessary and appropriate to enable the Commission and the Assistant Attorney General to determine whether such agreement may violate the antitrust laws;

(2) may define the terms used in this Act;

(3) may exempt classes of persons or agreements from the requirements of this Act; and

(4) may prescribe such other rules as may be necessary and appropriate to carry out the purposes of this Act.

**SEC. 9. EFFECTIVE DATES.**

This Act shall take effect 90 days after the date of enactment of this Act.

---

By Mr. ROBB:

S. 2994. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Finance.

THE HEALTH INSURANCE EQUITY ACT

Mr. ROBB. Mr. President, I rise to introduce a new legislative proposal to help level the playing field for small businesses that try to provide health insurance for their employees and make health insurance more affordable for all Americans.

While our economy is the strongest it's ever been, the number of uninsured Americans has gone from 32 million in 1987 to more than 44 million today. And that number is rising. While our nation continues to forge ahead in improving the world's greatest health care system, we face the increasing problem of having a significant percentage of our population that has no way to access it.

One of the largest sectors of the uninsured is employees who work for small businesses. While small businesses are the lifeblood of our economy, they also face some of the greatest challenges—particularly when it comes to providing health benefits for their employees. While the number of uninsured among employees who work for companies with more than 500 people is 1 in 8, that number soars among companies with fewer than 25 employees—to 1 in 3. This is because large employers can spread the costs of providing health insurance among their multitude of employees, while smaller companies have a much more difficult task. We need to help small business owners—and the employees who work for them—better afford quality health insurance.

Today, I propose that we lend a hand to the hardworking small businessmen and women of America, and their employees, to help them erase the gap in coverage between large and small businesses. The legislation I am introducing—the Health Insurance Equity Act—will give small businesses with less than 50 employees a 20% tax credit toward the cost of buying health insurance for their employees. To encourage small businesses to pool together and take advantage of the same benefits that their larger counterparts have, the credit will increase to 25% if the businesses join new ''qualified health benefit purchasing coalitions'' that can help them easily administer their new health plans and negotiate better rates with insurers.

In addition, this legislation makes a change in the tax code to ensure that these new coalitions can enjoy the full benefit of charitable contributions from private foundations. While some private foundations have indicated that they are willing to help fund some of the start-up costs of health purchasing coalitions, current law does not specify that these sorts of contributions would qualify as a charitable donation. For this reason, private foundations have been reluctant to make grants or loans to these coalitions. The bill I am introducing today will clarify that aid to qualified health benefit purchasing coalitions are entirely tax-deductible, which can help encourage private foundations and other interested parties to help the coalitions with their important duties.

By helping people get better access to basic health insurance—before they get very sick—we can save money for both hospital and patient, while helping millions of Americans live more healthy lifestyles.

With that Mr. President, I send my legislation to the desk, and ask that it be appropriately referred. I also ask unanimous consent that it be printed in the RECORD. I yield the floor.

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

S. 2994

*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 ''Health Insurance Equity Act of 2000''.

**SEC. 2. CERTAIN GRANTS BY PRIVATE FOUNDATIONS TO QUALIFIED HEALTH BENEFIT PURCHASING COALITIONS.**

(a) IN GENERAL.—Section 4942 of the Internal Revenue Code of 1986 (relating to taxes on failure to distribute income) is amended by adding at the end the following:

''(k) CERTAIN QUALIFIED HEALTH BENEFIT PURCHASING COALITION DISTRIBUTIONS.—

''(1) IN GENERAL.—For purposes of subsection (g) and section 4945(d)(5), a qualified health benefit purchasing coalition distribution by a private foundation shall be considered to be a distribution for a charitable purpose.

''(2) QUALIFIED HEALTH BENEFIT PURCHASING COALITION DISTRIBUTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The term 'qualified health benefit purchasing coalition distribution' means any amount paid by a private foundation to or on behalf of a qualified health benefit purchasing coalition (as defined in section 9841) for purposes of payment or reimbursement of start-up costs paid or incurred in connection with the establishment and maintenance of such coalition.

''(B) EXCLUSIONS.—Such term shall not include any amount used by a qualified health benefit purchasing coalition (as so defined)—

''(i) for the purchase of real property,

''(ii) as payment to, or for the benefit of, members (or employees or affiliates of such members) of such coalition, or

''(iii) for start-up costs paid or incurred more than 24 months after the date of establishment of such coalition.

''(3) TERMINATION.—This subsection shall not apply—

''(A) to qualified health benefit purchasing coalition distributions paid or incurred after December 31, 2008, and

''(B) with respect to start-up costs of a coalition which are paid or incurred after December 31, 2010.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to qualified health benefit purchasing coalition distributions, as defined in section 4942(k)(2) of the Internal Revenue Code of 1986, as added by subsection (a), paid in taxable years beginning after December 31, 2000.

**SEC. 3. SMALL BUSINESS HEALTH PLAN TAX CREDIT.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

**''SEC. 45D. EMPLOYEE HEALTH INSURANCE EXPENSES.**

''(a) GENERAL RULE.—For purposes of section 38, in the case of a small employer (as defined in section 4980D(d)(2)), the employee health insurance expenses credit determined under this section for the taxable year is an amount equal to the applicable percentage of the amount paid by the taxpayer during the taxable year for qualified employee health insurance expenses.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) in the case of insurance purchased as a member of a qualified health benefit purchasing coalition (as defined in section 9841), 25 percent, and

''(2) in the case of insurance not described in paragraph (1), 20 percent.

''(c) PER EMPLOYEE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount of qualified employee health insurance expenses taken into account under subsection (a) with respect to any qualified employee for any taxable year shall not exceed the sum of the monthly limitations for coverage months of such employee during such taxable year.

''(2) MONTHLY LIMITATION.—The monthly limitation for each coverage month during the taxable year is equal to ½ of—

''(A) $2,000 in the case of self-only coverage, and

''(B) $5,000 in the case of family coverage.

''(3) COVERAGE MONTH.—For purposes of this subsection, the term 'coverage month' means, with respect to an individual, any month if—

''(A) as of the first day of such month such individual is covered by the taxpayer's new health plan, and

''(B) the premium for coverage under such plan for such month is paid by the taxpayer.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED EMPLOYEE.—

''(A) IN GENERAL.—The term 'qualified employee' means, with respect to any period, an employee of an employer if—

''(i) the total amount of wages paid or incurred by such employer with respect to such employee for the taxable year is not in excess of $10,000, and

''(ii) the employee is not a highly compensated employee.

''(B) TREATMENT OF CERTAIN EMPLOYEES.—For purposes of subparagraph (A), the term 'employee' shall include—

''(i) an employee within the meaning of section 401(c)(1), and

''(ii) a leased employee within the meaning of section 414(n).

''(C) EXCLUSION OF CERTAIN EMPLOYEES.—

''(i) IN GENERAL.—If a plan—

''(I) prescribes minimum age and service requirements as a condition of coverage, and

''(II) excludes all employees not meeting such requirements from coverage,

then such employees shall be excluded from consideration for purposes of this paragraph.

''(ii) COLLECTIVE BARGAINING AGREEMENT.—For purposes of this paragraph, there shall be excluded from consideration employees who are included in a unit of employees covered by an agreement between employee representatives and one or more employers, if there is evidence that health insurance benefits were the subject of good faith bargaining between such employee representatives and such employer.

''(iii) LIMITS ON MINIMUM REQUIREMENTS.—Rules similar to the rules of section 410(a) shall apply with respect to minimum age and service requirements under clause (i).

''(D) WAGES.—The term 'wages'—

''(i) has the meaning given such term by section 3121(a) (determined without regard to any dollar limitation contained in such section), and

''(ii) in the case of an employee described in subparagraph (B)(i), includes the net earnings from self-employment (as defined in section 1402(a) and as so determined).

''(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

''(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid or incurred by an employer during the applicable period for health insurance coverage provided under a new health plan to the extent such amount is attributable to coverage provided to any employee who is not a highly compensated employee.

''(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

''(C) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by section 9832(b)(1).

''(D) NEW HEALTH PLAN.—For purposes of this paragraph, the term 'new health plan' means any arrangement of the employer which provides health insurance coverage to employees if—

''(i) such employer (or predecessor employer) did not establish or maintain such arrangement (or any similar arrangement) at any time during the 2 taxable years ending prior to the taxable year in which the credit under this section is first allowed, and

''(ii) such arrangement covers at least 70 percent of the qualified employees of such employer who are not otherwise covered by health insurance.

''(E) APPLICABLE PERIOD.—For purposes of subparagraph (A), the applicable period with respect to an employer shall be the 4-year period beginning on the date such employer establishes a new health plan.

''(3) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' means an employee who for the preceding year had compensation from the employer in excess of $75,000.

''(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

''(f) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified employee health insurance expenses for the taxable year which is equal to the amount of the credit determined under subsection (a).

''(g) TERMINATION.—This section shall not apply to expenses paid or incurred by an employer with respect to any arrangement established on or after January 1, 2009.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the employee health insurance expenses credit determined under section 45D.''

(c) NO CARRYBACKS.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

''(9) NO CARRYBACK OF SECTION 45D CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the employee health insurance expenses credit determined under section 45D may be carried back to a taxable year ending before the date of the enactment of section 45D.''

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 45D. Employee health insurance expenses.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2000, for arrangements established after the date of the enactment of this Act.

**SEC. 4. QUALIFIED HEALTH BENEFIT PURCHASING COALITION.**

(a) IN GENERAL.—Chapter 100 of the Internal Revenue Code of 1986 (relating to group health plan requirements) is amended by adding at the end the following new subchapter:

**''Subchapter D—Qualified Health Benefit Purchasing Coalition**

''Sec. 9841. Qualified health benefit purchasing coalition.

**''SEC. 9841. QUALIFIED HEALTH BENEFIT PURCHASING COALITION.**

''(a) IN GENERAL.—A qualified health benefit purchasing coalition is a private not-for-profit corporation which—

''(1) is licensed to provide health insurance in the State in which the employers to which such coalition is providing insurance is located, and

''(2) establishes to the Secretary, under State certification procedures or other procedures as the Secretary may provide by regulation, that such coalition meets the requirements of this section.

''(b) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—Each purchasing coalition under this section shall be governed by a Board of Directors.

''(2) ELECTION.—The Secretary shall establish procedures governing election of such Board.

''(3) MEMBERSHIP.—The Board of Directors shall—

''(A) be composed of small employers and employee representatives of such employers, but

''(B) not include other interested parties, such as service providers, health insurers, or insurance agents or brokers which may have a conflict of interest with the purposes of the coalition.

''(c) MEMBERSHIP OF COALITION.—

''(1) IN GENERAL.—A purchasing coalition—

''(A) shall accept all small employers residing within the area served by the coalition as members if such employers request such membership, and

''(B) may accept any other employers residing with such area.

''(2) VOTING.—Members of a purchasing coalition shall have voting rights consistent with the rules established by the State.

''(d) DUTIES OF PURCHASING COALITIONS.—Each purchasing coalition shall—

''(1) enter into agreements with employers to provide health insurance benefits to employees of such employers,

''(2) enter into agreements with 3 or more unaffiliated, qualified licensed health plans, to offer benefits to members,

''(3) offer to members at least 1 open enrollment period per calendar year,

''(4) serve a significant geographical area, and

''(5) carry out other functions provided for under this section.

''(e) LIMITATION ON ACTIVITIES.—A purchasing coalition shall not—

''(1) perform any activity (including certification or enforcement) relating to compliance or licensing of health plans,

''(2) assume insurance or financial risk in relation to any health plan, or

''(3) perform other activities identified by the State as being inconsistent with the performance of its duties under this section.

''(f) ADDITIONAL REQUIREMENTS FOR PURCHASING COALITIONS.—As provided by the Secretary in regulations, a purchasing coalition shall be subject to requirements similar to the requirements of a group health plan under this chapter.

''(g) DEFINITION OF SMALL EMPLOYER.—The term 'small employer' has the meaning given such term by section 4980D(d)(2).''.

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following item:

''Subchapter D. Qualified health benefit purchasing coalition.''.

---

By Mr. L. CHAFEE (for himself, Mr. BENNETT, Mr. CLELAND, Mr. JEFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. LEAHY, and Mr. BAUCUS):

S. 2995. A bill to assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Energy and Natural Resources.

THE COMMUNITY CHARACTER ACT OF 2000

Mr. L. CHAFEE. Mr. President, I rise today to speak of an issue which effects every American, and future generations of Americans.

As the saying goes, ''burn me once, shame on you, burn me twice, shame on me.''

After the second World War, waves of returning GIs—looking for a better life for themselves and their families—helped create a unprecedented building boom in the United States. The potato fields of Long Island were turned into massive tracts of uniform new houses known as Levittown. This same post-World War II growth at one point so overwhelmed my own home town of Warwick, Rhode Island that the state newspaper described the city as ''a suburban nightmare''. Before long, strip retail development catering to the automobile became the trademark of the American landscape.

Our landscape has since been pockmarked by incremental, haphazard development, which too often offends the eye, and saps our economic strength by requiring very expensive investment for extending infrastructure farther and father into the country side. Driving down the street in Anytown USA you see an apartment house next to a fast food franchise, next to a fire station, next to an office building, next to a strip mall. That isn't planned development.

Over forty years after Levittown, we find ourselves in a strong economy sustained as never before. At the same time, every state in the country face significant problems relating to unplanned growth, from protecting open space in the east to protecting precious drinking water supplies in the west. We ought to seize the moment and learn from our previous mistakes—we should not be burned twice.

The last thing anyone needs, citizens and developers alike, is to have angry and divisive planning board, zoning board or city or town council meetings. The best thing we can do to ensure wise growth is to encourage decision makers to work together with the citizens, developers, interest groups and others to develop a consensus for planning for growth in an orderly manner.

That is what the Community Character Act does.

Mr. President, I rise today with my colleagues, Senators BENNETT, CLELAND, JEFFORDS, LEVIN, LIEBERMAN and LEAHY to introduce a bill that I believe will help states plan wise growth. This bill, Community Character Act of 2000, seeks to authorize $25 million over four years for a grant program to help states develop or update their land use statutes and Comprehensive Plans.

No state in the nation is immune from the effects of rapid unplanned development. Suburbanization is expensive, costing state and local taxpayers dearly for extending roads and infrastructure, and building new schools. Even states considered more rural are now facing rapid alterations in land use and quality of life.

Federal grants under this act would help states promote citizen participation in the developing of state plans, encourage sustainable economic development, coordinate transportation and other infrastructure development, conserve historic scenic resources and the environment, and sustainably manage natural resources.

I am pleased that this bill has such bipartisan support and hope that the full Senate will give it favorable action.

I thank the chair and ask unanimous consent that my full statement and the text of the bill appear in the RECORD.

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

S. 2995

*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 ''Community Character Act of 2000''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) inadequate planning at the State level contributes to increased public and private capital costs for infrastructure development, loss of community character, and environmental degradation;

(2) land use planning is rightfully within the jurisdiction of State and local governments;

(3) comprehensive planning and community development should be supported by the Federal Government and State governments;

(4) States should provide a proper climate and context for planning through legislation in order for appropriate comprehensive land use planning and community development to occur;

(5) many States have outdated land use planning legislation, and many States are undertaking efforts to update and reform the legislation; and

(6) efforts to coordinate State resources with local plans require additional planning at the State level.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' means the Bureau of Land Management, the Forest Service, and any other Federal land management agency that conducts land use planning for Federal land.

(2) LAND USE PLANNING LEGISLATION.—The term ''land use planning legislation'' means a statute, regulation, executive order or other action taken by a State to guide, regulate, and assist in the planning, regulation, and management of land, natural resources, development practices, and other activities related to the pattern and scope of future land use.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(4) STATE.—The term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(5) STATE PLANNING DIRECTOR.—The term ''State planning director'' means the State official designated by statute or by the Governor whose principal responsibility is the drafting and updating of State guide plans or guidance documents that regulate land use and infrastructure development on a statewide basis.

**SEC. 4. GRANTS TO STATES FOR UPDATING LAND USE PLANNING LEGISLATION AND INTEGRATING FEDERAL LAND MANAGEMENT AND STATE PLANNING.**

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to States for the purpose of assisting in—

(1) as a first priority, development or revision of land use planning legislation in States that currently have inadequate or outmoded land use planning legislation; and

(2) creation or revision of State comprehensive land use plans or plan elements in

States that have updated land use planning legislation.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary, in such form as the Secretary may require, an application demonstrating that the State's basic goals for land use planning legislation reform are consistent with all of the following guidelines:

(1) CITIZEN REPRESENTATION.—Citizens are notified and citizen representation is required in the developing, adopting, and updating of land use plans.

(2) MULTIJURISDICTIONAL COOPERATION.—In order to effectively manage the impacts of land development and to provide for resource sustainability, land use plans are created based on multi-jurisdictional governmental cooperation, when practicable, particularly in the case of land use plans based on watershed boundaries.

(3) IMPLEMENTATION ELEMENTS.—Land use plans contain an implementation element that—

(A) includes a timetable for action and a definition of the respective roles and responsibilities of agencies, local governments, and other stakeholders;

(B) is consistent with State capital budget objectives; and

(C) provides the framework for decisions relating to the siting of future infrastructure development, including development of utilities and utility distribution systems.

(4) COMPREHENSIVE PLANNING.—There is comprehensive planning to encourage land use plans that—

(A) promote sustainable economic development and social equity;

(B) enhance community character;

(C) coordinate transportation, housing, education, and other infrastructure development;

(D) conserve historic resources, scenic resources, and the environment; and

(E) sustainably manage natural resources.

(5) UPDATING.—Land use plans are routinely updated.

(6) STANDARDS.—Land use plans reflect an approach that is consistent with established professional planning standards.

(c) USE OF GRANT FUNDS.—Grant funds received by a State under subsection (a) shall be used to obtain technical assistance in—

(1) drafting land use planning legislation;

(2) research and development for land use planning programs and requirements relating to the development of State guide plans;

(3) conducting workshops, educating and consulting policy makers, and involving citizens in the planning process; and

(4) integrating State and regional concerns and land use plans with Federal land use plans.

(d) AMOUNT OF GRANT.—The amount of a grant to a State under subsection (a) shall not exceed $500,000.

(e) COST-SHARING.—The Federal share of a project funded with a grant under subsection (a) shall not exceed 90 percent.

(f) AUDITS.—

(1) IN GENERAL.—The Inspector General of the Department of Housing and Urban Development shall conduct an audit of a portion of the grants provided under this section to ensure that all funds provided under the grants are used for the purposes specified in this section.

(2) USE OF AUDIT RESULTS.—The results of audits conducted under paragraph (1) and any recommendations made in connection with the audits shall be taken into consideration in awarding any future grant under this section to a State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for the period of fiscal years 2001 through 2005.

**SEC. 5. FEDERAL LAND MANAGEMENT AGENCIES.**

(a) LAND USE PLANNING COORDINATOR.—The head of each Federal land management agency shall designate an officer to act as coordinator working with State planning directors on projects funded under section 4.

(b) PROVISION OF INFORMATION.—A Federal land management agency shall provide to a State planning director such background information, plans, and relevant budget information as the State planning director considers to be needed in connection with a project funded under section 4.

(c) ASSISTANCE AND PARTICIPATION IN COMMUNITY ORGANIZED EVENTS.—Each Federal land management agency shall participate in any community organized events requested by the State planning director.

Mr. LEAHY. Mr. President, I am pleased to join with Senators DEWINE, HATCH and VOINOVICH in introducing bipartisan legislation to provide common-sense tax incentives to help address asbestos liability issues.

I agree with Supreme Court Justice Ruth Bader Ginsburg in the Amchem Products decision that Congress can provide a secure, fair and efficient means of compensating victims of asbestos exposure. The appropriate role for Congress is to provide incentives for private parties to reach settlements, not to take away the legal rights of asbestos victims and their families. Our bipartisan bill provides these tax incentives for private parties involved in asbestos-related litigation to reach global settlements and for asbestos victims and their families receive the full benefit of the incentives.

Mr. President, encouraging fair settlements while still preserving the legal rights of all parties involved is a win-win situation for business and asbestos victims. For example, Rutland Fire Clay Company, a family-run, 117-year-old small business in my home state of Vermont, recently reached a settlement with its insurers and the trial bar concerning the firm's asbestos problems. Unlike some big businesses that are trying to avoid any accountability for their asbestos responsibilities through national ''tort reform'' legislation, the Rutland Fire Clay Company and its President, Tom Martin, are doing the right thing within the legal system. Mr. Martin plans to lead the family-run business from bankruptcy this year as a stronger firm with a solid financial foundation for its employees in the 21st Century. The tax incentives in our bipartisan bill will support the Rutland Fire Clay Company and its employees while providing financial security for its settlement with asbestos victims.

I believe it is in the national interest to encourage fair and expeditious settlements between companies and asbestos victims. The legislation we are introducing today will protect payments to victims while ensuring defendant firms remain solvent. I urge my colleagues to support our bipartisan legislation.

---

By Mr. WELLSTONE:

S. 2996. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PRICE SUPPORT LEGISLATION

Mr. WELLSTONE. Mr. President, I rise today to introduce legislation that is intended to begin a long overdue discussion regarding the future of an industry, and a way of life that is basic not only to our agricultural economy but to the soul of America. I am talking about family dairy farming. To maintain this country's family dairy industry, we in the Senate need to act quickly before the end of this session, to effect a change in Federal dairy policy that will make a difference, a difference to dairy farmers who are struggling because they receive a price that is less than what it cost them to produce the product.

It is clear dairy farmers in this country are facing devastating times. The current dairy policies have brought chaos to family dairy farmers. Last year, the Class III milk price decreased from $16.26 cwt. in September to $9.63 cwt in December, and prices have still not recovered. Over the last ten months we have seen a drop of over forty percent in milk prices. How can our dairy farmers survive with such volatility in the market place? Dairy farmers need to have a stable and equitable market price, and that simply does not exist under our current dairy policy.

That is why I am pleased to introduce this legislation to set the milk support price at $12.50 per hundredweight. As my colleagues know, the dairy support price sets a floor on the price received by all producers, regardless of region, that should be set at a level sufficient to curb market volatility. However, the current support level of $9.90 cwt. is too low to act as a stabilizer for the market. The five year average for milk is $12.78 cwt, therefore this legislation to set the support price at $12.50 would protect against the huge drops producers have experienced in the past few years.

I want to make clear that this legislation is not intended to be the complete solution to the problems with our national dairy policy, or lack thereof. I firmly believe that we need to develop a supply management mechanism to complement an increase in the price support, however, for too long this Congress has ignored the economic crisis our nation's dairy farmers are facing.

Mr. President, what we do here in Washington has to be rooted in the lives of the people we represent. It has to be based upon the reality of lives of people in our communities, including people in rural communities. I think it is vitally important to understand that there is a crisis in capital letters with dairy farmers that is evident when you go out and talk with people, talk to farmers, hardworking dairy farmers, good managers, sitting down in their kitchens adding up the figures trying to cash flow. There is simply no way

they can do it. Talk to dairy farmers who try to convince their sons and daughters that there is no more honorable profession to go into than to be a farmer, to be a dairy farmer, to produce nutritious milk for people at affordable prices, and yet people do not get a decent price for their work.

In my State, fifty in the country in milk production, we have 8,000 dairy farmers with an average herd size of 59 cows. It is a family dairy industry. It is not a factory farm industry, and we want to keep it a family industry. The milk production from Minnesota farms generates more than $1.2 billion for our states' farmers each year, and a recent University of Minnesota study determined that dairy production in Minnesota creates an additional $1.2 billion in economic activity for related industry. Our dairy industry is efficient and it is innovative, and it produces a plentiful supply of pure wholesome milk at extremely reasonable prices, but it is also an industry in crisis. It is a crisis not only for dairy farmers themselves, but for rural communities throughout the country because the health and vitality of our rural communities is not going to be based upon the size of the herds but the number of dairy farmers who live in those communities, who buy in those communities, who go to churches in those communities, who support the school systems and businesses in those communities.

I am afraid, as I speak here on the floor of the Senate, that agriculture in our country is about to go through a transition where all of agriculture will be dominated by giant conglomerates. The result will be the total lack of a competitive sector, family farm sector, of agriculture. That will be a transition that we'll deeply regret and that is why we have to act now.

Mr. President, I hope we can respond appropriately to the pleas that are coming from any State and other agricultural States all around the country. Due to a drastic reduction in the prices paid to farmers for their milk during the past year, thousands of farmers are going out of business. Since 1990 the number of dairy farmers in Minnesota has been nearly cut in half. This year alone we have already lost almost 300 dairy farms. We will lose more if we do not change the course of policy. Federal dairy policy has allowed milk production and prices to fluctuate widely. This fluctuation has caused a tremendous amount of instability for producers and consumers but it has been especially bad for farmers. While retail prices for dairy farmers have gone down and while the price for farmers has been dramatically cut by 40 percent, we have seen no such decrease at the grocery store.

The solution is a Federal policy that provides a decent living to hard-working family farmers producing needed milk. The average cost of production for milk in the United States is around $13 per hundredweight and yet farmers in my State are receiving less than $10 for the same hundredweight. We need a system that will match output to need, and pay farmers a fair price.

There is widespread support around the country for an increase in the price support. In fact the National Farmers Union and the National Farmers Organization, earlier this year, testified in support of an increase of the current price support of $9.90. Such a system will allow farmers to earn a price that covers the cost of production, and reduce the wild price fluctuations we have witnessed over the past few years.

I want to make it very clear that I believe the vitality of the dairy industry is important not only to my State's economic health, and to the economic health of agricultural States all across the country, but to the maintenance of viable rural communities throughout our nation. I think it is important if we are to protect the environment. I think it is important if we are to have diversity. I think it is important if we are to avoid more concentration in the agricultural sector of our country. I think it is important if we are to continue to have family farmers who can produce wholesome milk at a decent price for consumers. I think it is important because it represents the very best of what we have been about as a nation. I hope we can make substantive dairy policy reforms this year, and I believe an increase in the price support is an important component, as is a targeted supply management mechanism. It is clear we must act soon. And I hope we can do it before the close of Congress.

Mr. PRESIDENT, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2996

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

**SECTION 1. MILK PRICE SUPPORT PROGRAM.**

(a) EXTENSION OF PROGRAM.—Section 141(h) of the Agricultural Market Transition Act (7 U.S.C. 7251(h)) is amended by striking ''2000'' each place it appears and inserting ''2002''.

(b) PRICE SUPPORT RATE.—Section 141(b) of the Agricultural Market Transition Act (7 U.S.C. 7251(b)) is amended by adding at the end the following:

''(5) During each of calendar years 2001 and 2002, $12.50.''.

(c) CONFORMING AMENDMENTS; RECOURSE LOAN PROGRAM FOR PROCESSORS.—Section 142 of the Agricultural Market Transition Act (7 U.S.C. 7252) is amended—

(1) in the first sentence of subsection (b), by striking ''$9.90'' and inserting ''$12.50''; and

(2) in subsection (e), by striking ''2001'' and inserting ''2003''.

---

By Mr. KERRY (for himself, Mr. JEFFORDS, Mr. SARBANES, Mr. LEAHY, Mr. BRYAN, Mr. REED, Mr. L. CHAFEE, and Mr. WELLSTONE):

S. 2997. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

THE NATIONAL AFFORDABLE HOUSING TRUST FUND ACT

Mr. KERRY. Mr. President, I come to the floor today to offer the National Affordable Housing Trust Fund Act which would establish a Trust Fund to fill the growing gap in our ability to provide affordable housing in this country.

We are living through a time of great economic expansion. Many Americans are benefitting from the growing economy. On the flip side however, is that the economy is fueling rising housing costs. While these costs skyrocket at record pace, there are many families in this country who are unable to keep up.

HUD estimates that 5.4 million low-income households have ''worst case'' housing needs. These families are paying over half their income towards housing costs or living in severely substandard housing. Since 1990, the number of families who have ''worst case'' housing needs has increased by 12 percent—that's 600,000 more American families who cannot afford a decent and safe place to live.

For these families living paycheck to paycheck, one unforseen circumstance, a sick child, a needed car repair, or a large utility bill can send them into homelessness. Just this week, on the front page of the Washington Post, an article detailed these problems right here in our own backyard. The article details the plight of low-income families living in apartments which are no longer affordable because the owners have decided to no longer accept federal assistance. For these families, the loss of their affordable housing unit means they may go without a home.

We mistakenly view the housing crisis in this country as confined to specific demographics. This is untrue. There is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for a two-bedroom apartment. A person needs to earn over $11 an hour to afford the median rent for a two bedroom apartment in this country. This figure rises dramatically in many metropolitan areas—an hourly wage of $22 is needed in San Francisco; $21 on Long Island; $17 in Boston; $16 in the D.C. area; $14 in Seattle and Chicago; and, $13 in Atlanta.

Working families in this country are increasingly finding themselves unable to afford housing. Using the numbers I just cited, a person in Boston would have to make over $35,000 just to afford a 2 bedroom apartment. This means teachers, janitors, social workers, police officers—these full time workers can have trouble affording even a modest 2-bedroom apartment.

A story from my home state of Massachusetts highlights the problems faced by working families. On Cape

Cod, Susan O'Donnell a mother of three, earns $21,000 a year working full-time. Nonetheless, she is forced to live in a campground because she cannot find affordable housing. The campground she is living at has time limits, so the only way she is able to stay for a prolonged period of time is through cleaning the campground's toilets. When her time runs out at the campground, she will again be forced to move with her three children, though it is not clear where she will be able to afford to move. Skyrocketing housing costs have pushed her, and other full time workers on the Cape out of their housing and into homelessness.

And, as I mentioned earlier, the problem is not only that we have failed to create additional affordable units. We have actually witnessed a tremendous loss in affordable housing. Between 1993 and 1995, a loss of 900,000 rental units affordable to very low-income families occurred. From 1996 to 1998, there was a 19% reduction in the number of affordable housing units. This amounted to a dramatic reduction of 1.3 million affordable housing units available to low-income Americans.

The Washington Post article I mentioned previously, helps to show the real impact of these losses. Because of the ability of higher wage earners to pay higher housing costs, building owners are now choosing not to rent to households assisted with Section 8 vouchers.

Right over the D.C. line, in Prince Georges County, Maryland, 300 tenants in a apartment complex were recently told that they would have to move because the owner will no longer accept Section 8. This means 300 families will lose their housing. And, it is not clear that there will be anywhere for them to go. The same article introduces us to a woman who experienced the same traumatizing eviction in Alexandria, Virginia. Ms. Evans is now living in a cockroach infested building with her children, because there are no decent units affordable to her. This, in part, stems from the fact that of 31 properties in Alexandria which accepted voucher holders in the past, 12 will not longer accept tenants with federal assistance.

The loss of this affordable housing has exacerbated the housing crisis in this country, and the federal government must take action.

However, the government has clearly not been doing enough. In fact, despite the fact that more families are unable to afford housing, we have decreased federal spending on critical housing programs over time. From fiscal year 1995 to fiscal year 1999, we engaged in what I call the ''Great HUDway Robbery,'' diverting or rescinding over 20 billion dollars from federal housing programs for other uses. With a few exceptions, the funding increases of this past year have gone primarily to cover the rising costs of serving existing assisted families.

We need to bring our levels of housing spending back up to where they belong. Between 1978 and 1995, the number of households receiving housing assistance was increased by almost 3 million. From 1978 through 1984, we provided an additional 230,000 families with housing assistance each year. This number dropped significantly to 126,000 additional households each year from 1985 through 1995.

And, in 1996, this nation's housing policy went all the way back to square one—not only was there no increase in families receiving housing assistance, but the number of assisted units actually decreased. From 1996 to 1998, the number of HUD assisted households dropped by 51,000. In this time of rising rents and housing costs, and the loss of affordable housing units, it is incomprehensible that we are not doing more to bring the levels of housing assistance back from the dead.

It is high time that we focused on housing policies in Congress and around the country because housing is an anchor for families.

It is no secret that housing, neighborhood and living environment play enormous roles in shaping young lives. Maintaining a stable home, made possible through housing assistance, has positive outcomes for low-income children. A child will be unable to learn if she is forced to change schools every few months because her family is forced to move from relative to relative to friend to friend because her parents can't afford the rent.

What I am doing today, is standing up before the Nation and saying, ''no more.'' We have the resources we need to ensure that all Americans have the opportunity to live in decent and safe housing, yet we are not devoting these resources to fix the problem.

Today, I am proposing to address the severe shortage of affordable housing by establishing a National Affordable Housing Trust Fund which uses excess income generated by 2 federal housing programs—the Federal Housing Administration (FHA) and the Government National Mortgage Association (GNMA). These federal housing programs generate billions of dollars in excess income which currently go to the general Treasury for use on other federal priorities. It is time to stop taking housing money out of housing programs. These excess funds should be used to help alleviate the current housing crisis.

My proposal would create an affordable housing production, ensuring that new rental units are built for those who most need assistance—extremely low-income families, including working families. In addition, Trust Fund assistance will be used to promote homeownership for low-income families, those families whose incomes are below 80% of the area median income.

The Trust Fund aims to create long-term affordable, mixed-income developments in areas with the greatest opportunities for low-income families.

A majority of assistance from the Trust Fund will be given out as matching grants to the States which will distribute funds on a competitive basis like the low-income housing tax credit. Localities, non-profits, developers and other entities will be eligible to apply for funds. The remaining assistance will be distributed through a national competition to intermediaries, such as non-profits which will be required to leverage private funds for investment in affordable housing.

This proposal will bring federal, State and private resources together to create needed affordable housing opportunities for American families.

We can no longer ignore the lack of affordable housing, and the impact it is having on families and children around the country. It is not clear to me why this lack of housing has not caused more uproar. How many families need to be pushed out of their homes and into the streets, before action is taken. Earlier in this Congress, I proposed a program which would assist in maintaining the affordable housing stock that already exists. I hope that this preservation program is taken up this Congress and passed so that we can avoid losing anymore affordable units. However, we must also focus on producing additional housing, which is exactly what this Housing Trust Fund will do.

Mr. President, I asked of the housing policy experts and practitioners in Massachusetts to work with me to come up with a viable program which would put the government back in the business of producing affordable housing. This legislation is a result of collaboration among numerous organizations and experts. I want to thank in particular, Aaron Gornstein of the citizens Housing and Planning Association in Massachusetts for helping to bring all of the relevant actors to the table to formulate this proposal. I appreciate the help of many people and organizations, but want to mention some people in Massachusetts who were critical in shaping the ideas behind this legislation: Vince O'Donnell of the Community Economic Development Assistance Corp; Peter Gagliardi with the Hampden Hampshire Housing Partnership; Conrad Egan of the National Housing Conference; Joe Flately with the Massachusetts Housing Investment Corporation; Howard Cohen with Beacon Residential; and, Patrick Dober of Lendlease.

I urge you to support this legislation which restores our commitment to providing affordable housing for all families. We can no longer turn our backs on those families who struggle each month just to put a roof over their heads.

I ask unanimous consent to have the text of the legislation, along with a section-by-section summary, and letters of support from a number of organizations including the National Association of Homebuilders, the National Council of State Housing Agencies, the National Low-Income Housing Coalition, the National Coalition for the

Homeless, the National Housing Conference, and others put in the RECORD.

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

S. 2997

*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 ''National Affordable Housing Trust Fund Act of 2000''.

**SEC. 2. PURPOSES.**

The purposes of this Act are to—

(1) fill the growing gap in the national ability to build affordable housing by using profits generated by Federal housing programs to fund additional housing activities, and not supplant existing housing appropriations; and

(2) enable rental housing to be built for those families with the greatest need in areas with the greatest opportunities in mixed-income settings and to promote homeownership for low-income families.

**SEC. 3. NATIONAL HOUSING TRUST FUND.**

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''National Affordable Housing Trust Fund'' (referred to in this Act as the ''Trust Fund'') for the purposes of promoting the development of affordable housing.

(b) DEPOSITS TO THE TRUST FUND.—For fiscal year 2001 and each fiscal year thereafter, there is appropriated to the Trust Fund an amount equal to the sum of—

(1) any revenue generated by the Mutual Mortgage Insurance Fund of the Federal Housing Administration in excess of the amount necessary for the Mutual Mortgage Insurance Fund to maintain a capital ratio of 3 percent for the preceding fiscal year; and

(2) any revenue generated by the Government National Mortgage Association in excess of the amount necessary to pay the administrative costs and expenses necessary to ensure the safety and soundness of the Government National Mortgage Association for the preceding fiscal year, as determined by the Secretary.

(c) EXPENDITURES FROM THE TRUST FUND.—For fiscal year 2001 and each fiscal year thereafter, amounts appropriated to the Trust Fund shall be available to the Secretary of Housing and Urban Development for use in accordance with section 4.

**SEC. 4. ADMINISTRATION OF NATIONAL AFFORDABLE HOUSING TRUST FUND.**

(a) DEFINITIONS.—In this section:

(1) AFFORDABLE HOUSING.—The term ''affordable housing'' means housing for rental that bears rents not greater than the lesser of—

(A) the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f); or

(B) a rent that does not exceed 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area, as determined by the Secretary, with adjustment for number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 65 percent of the median for the area on the basis of the findings of the Secretary that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

(2) CONTINUED ASSISTANCE RENTAL SUBSIDY PROGRAM.—The term ''continued assistance rental subsidy program'' means a program under which—

(A) project-based assistance is provided for not more than 3 years to a family in an affordable housing unit developed with assistance made available under subsection (c) or (d) in a project that partners with a public housing agency, which agency agrees to provide the assisted family with a priority for the receipt of a voucher under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) if the family chooses to move after an initial year of occupancy and the public housing agency agrees to refer eligible voucher holders to the property when vacancies occur; and

(B) after 3 years, subject to appropriations, continued assistance is provided under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), notwithstanding any provision to the contrary in that section, if administered to provide families with the option of continued assistance with tenant-based vouchers, if such a family chooses to move after an initial year of occupancy and the public housing agency agrees to refer eligible voucher holders to the property when vacancies occur.

(3) ELIGIBLE ACTIVITIES.—The term ''eligible activities'' means activities relating to the development of affordable housing, including—

(A) the construction of new housing;

(B) the acquisition of real property;

(C) site preparation and improvement, including demolition;

(D) substantial rehabilitation of existing housing; and

(E) rental subsidy for not more than 3 years under a continued assistance rental subsidy program.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' includes any public or private nonprofit or for-profit entity, unit of local government, regional planning entity, and any other entity engaged in the development of affordable housing, as determined by the Secretary.

(5) ELIGIBLE INTERMEDIARY.—The term ''eligible intermediary'' means—

(A) a nonprofit community development corporation;

(B) a community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702));

(C) a State or local trust fund;

(D) any entity eligible for assistance under section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note);

(E) a national, regional, or statewide nonprofit organization; and

(F) any other appropriate nonprofit entity, as determined by the Secretary.

(6) EXTREMELY LOW-INCOME FAMILIES.—The term ''extremely low-income families'' means very low-income families (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) whose incomes do not exceed 30 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

(7) LOW-INCOME FAMILIES.—The term ''low-income families'' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) STATE.—The term ''State'' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(b) ALLOCATION TO STATES AND ELIGIBLE INTERMEDIARIES.—For fiscal year 2001 and each fiscal year thereafter, the total amount made available to the Secretary from the Trust Fund under section 3(c) shall be allocated by the Secretary as follows:

(1) 75 percent shall be used to award grants to States in accordance with subsection (c).

(2) 25 percent shall be used to award grants to eligible intermediaries in accordance with subsection (d).

(c) GRANTS TO STATES.—

(1) IN GENERAL.—Subject to paragraph (2), from the amount made available for each fiscal year under subsection (b)(1), the Secretary shall award grants to States, in accordance with an allocation formula established by the Secretary, based on the pro rata share of each State of the total need among all States for an increased supply of affordable housing, as determined on the basis of—

(A) the number and percentage of families in the State that live in substandard housing;

(B) the number and percentage of families in the State that pay more than 50 percent of their annual income for housing costs;

(C) the number and percentage of persons living at or below the poverty level in the State;

(D) the cost of developing or carrying out substantial rehabilitation of housing in the State;

(E) the age of the multifamily housing stock in the State; and

(F) such other factors as the Secretary determines to be appropriate.

(2) GRANT AMOUNT.—

(A) IN GENERAL.—The amount of a grant award to a State under this subsection shall be equal to the lesser of—

(i) 4 times the amount of assistance provided by the State from non-Federal sources; and

(ii) the allocation determined in accordance with paragraph (1).

(B) NON-FEDERAL SOURCES.—The following shall be considered non-Federal sources for purposes of this section:

(i) 50 percent of funds allocable to tax credits allocated under section 42 of the Internal Revenue Code of 1986.

(ii) 50 percent of revenue from mortgage revenue bonds issued under section 143 of such Code.

(iii) 50 percent of proceeds from the sale of tax exempt bonds.

(3) AWARD OF STATE ALLOCATION TO CERTAIN ENTITIES.—

(A) IN GENERAL.—If the amount provided by a State from non-Federal sources is less than 25 percent of the amount that would be awarded to the State under this subsection based on the allocation formula described in paragraph (1), not later than 60 days after the date on which the Secretary determines that the State is not eligible for the full allocation determined under paragraph (1), the Secretary shall issue a notice regarding the availability of the funds for which the State is ineligible.

(B) APPLICATIONS.—Not later than 9 months after publication of a notice of funding availability under subparagraph (A), a nonprofit or public entity (or a consortium thereof, which may include units of local government working together on a regional basis) may submit to the Secretary an application for the available assistance or a portion thereof, which application shall include—

(i) a certification that the applicant will provide assistance in an amount equal to 25 percent of the amount of assistance made available to the applicant under this paragraph; and

(ii) an allocation plan that meets the requirements of paragraph (4)(B) for use or distribution in the State of any assistance made available to the applicant under this paragraph and the assistance provided by the applicant for purposes of clause (i).

(C) AWARD OF ASSISTANCE.—The Secretary shall award the amount that is not awarded to a State by operation of paragraph (2) to 1 or more applicants that meet the requirements of subparagraph (B) of this paragraph that are selected by the Secretary based on selection criteria, which shall be established by the Secretary by regulation.

(4) DISTRIBUTION TO ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Each State that receives a grant award under this subsection shall distribute the amount made available under the grant and the assistance provided by the State from non-Federal sources for purposes of paragraph (2)(A) to eligible entities for the purpose of assisting those entities in carrying out eligible activities in the State as follows:

(i) 75 percent shall be distributed to eligible entities for eligible activities relating to the development of affordable housing for rental by extremely low-income families in the State.

(ii) 25 percent shall be distributed to eligible entities for eligible activities relating to the development of affordable housing for rental by low-income families in the State, or for homeownership assistance for low-income families in the State.

(B) ALLOCATION PLAN.—Each State shall, after notice to the public, an opportunity for public comment, and consideration of public comments received, establish an allocation plan for the distribution of assistance under this paragraph, which shall be submitted to the Secretary and shall be made available to the public by the State, and which shall include—

(i) application requirements for eligible entities seeking to receive such assistance, including a requirement that each application include—

(I) a certification by the applicant that any housing developed with assistance under this paragraph will remain affordable for extremely low-income families or low-income families, as applicable, for not less than 40 years;

(II) a certification by the applicant that the tenant contribution towards rent for a family residing in a unit developed with assistance under this paragraph will not exceed 30 percent of the adjusted income of that family; and

(III) a certification by the applicant that the owner of a project in which any housing developed with assistance under this paragraph is located will make a percentage of units in the project available to families assisted under the voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) on the same basis as other families eligible for the housing (except that only the voucher holder's expected share of rent shall be considered), which percentage shall not be less than the percentage of the total cost of developing or rehabilitating the project that is funded with assistance under this paragraph; and

(ii) factors for consideration in selecting among applicants that meet such application requirements, which shall give preference to applicants based on—

(I) the amount of assistance for the eligible activities leveraged by the applicant from private and other non-Federal sources, including assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that is devoted to the project in which the housing to be developed with assistance under this paragraph is located;

(II) the extent of local assistance that will be provided in carrying out the eligible activities, including—

(aa) financial assistance; and

(bb) the extent to which the applicant has worked with the unit of local government in which the housing will be located to address issues of siting and exclusionary zoning or other policies that are barriers to affordable housing;

(III) the degree to which the development in which the housing will be located is mixed-income;

(IV) whether the housing will be located in a census tract in which the poverty rate is less than 20 percent or in a community undergoing revitalization;

(V) the extent of employment and other opportunities for low-income families in the area in which the housing will be located; and

(VI) the extent to which the applicant demonstrates the ability to maintain units as affordable for extremely low-income or low-income families, as applicable, through the use of assistance made available under this paragraph, assistance leveraged from non-Federal sources, assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), State or local assistance, programs to increase tenant income, cross-subsidization, and any other resources.

(C) FORMS OF ASSISTANCE.—

(i) IN GENERAL.—Assistance distributed under this paragraph may be in the form of capital grants, non-interest bearing or low-interest loans or advances, deferred payment loans, guarantees, and any other forms of assistance approved by the Secretary.

(ii) REPAYMENTS.—If a State awards assistance under this paragraph in the form of a loan or other mechanism by which funds are later repaid to the State, any repayments received by the State shall be distributed by the State in accordance with the allocation plan described in subparagraph (B) the following fiscal year.

(D) COORDINATION WITH OTHER ASSISTANCE.—In distributing assistance under this paragraph, each State shall, to the maximum extent practicable, coordinate such distribution with the provision of other affordable housing assistance by the State, including—

(i) housing credit dollar amounts allocated by the State under section 42(h) of the Internal Revenue Code of 1986;

(ii) assistance made available under the HOME Investment Partnerships Act or the community development block grant program; and

(iii) private activity bonds.

(d) NATIONAL COMPETITION.—

(1) IN GENERAL.—From the amount made available for each fiscal year under subsection (b)(2), the Secretary shall award grants on a competitive basis to eligible intermediaries, which shall be used in accordance with paragraph (3) of this subsection.

(2) APPLICATION REQUIREMENTS AND SELECTION CRITERIA.—The Secretary by regulation shall establish application requirements and selection criteria for the award of competitive grants to eligible intermediaries under this subsection, which criteria shall include—

(A) the ability of the eligible intermediary to meet housing needs of low-income families on a national or regional scope;

(B) the capacity of the eligible intermediary to use the grant award in accordance with paragraph (3), based on the past performance and management of the applicant; and

(C) the extent to which the eligible intermediary has leveraged funding from private and other non-Federal sources for the eligible activities.

(3) USE OF GRANT AWARD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each eligible intermediary that receives a grant award under this subsection shall ensure that the amount made available under the grant is used as follows:

(i) 75 percent shall be used for eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(ii) 25 percent shall be used for eligible activities relating to the development of affordable housing for rental by low-income families, or for homeownership assistance for low-income families.

(B) EXCEPTION.—

(i) IN GENERAL.—If the amount made available under a grant award under this subsection is used for a project described in clause (ii), an eligible intermediary may use the amount made available under the grant for eligible activities relating to the development of housing for rental by families whose incomes are less than 60 percent of the area median income, and for homeownership activities for families whose incomes are less than 80 percent of area median income.

(ii) PROJECT CONTRIBUTING TO A CONCERTED COMMUNITY REVITALIZATION PLAN.—A project is described in this clause if—

(I) it is located in a community undergoing concerted revitalization and is contributing to a community revitalization plan; and

(II) it is located in a census tract in which—

(aa) the median household income is less than 60 percent of the area median income; or

(bb) the rate of poverty is greater than 20 percent.

(C) PLAN OF USE.—Each eligible intermediary that receives a grant award under this subsection shall establish a plan for the use or distribution of the amount made available under the grant, which shall be submitted to the Secretary, and which shall include information relating to the manner in which the eligible intermediary will either use or distribute that amount, including—

(i) a certification that assistance made available under this subsection will be used to supplement assistance leveraged from private and other non-Federal sources, including assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that is devoted to the project in which the housing to be developed is located;

(ii) a certification that local assistance will be provided in the carrying out the eligible activities, which may include—

(I) financial assistance; and

(II) a good faith effort to work with the unit of local government in which the housing will be located to address issues of siting and exclusionary zoning or other policies that are barriers to affordable housing;

(iii) a certification that any housing developed with assistance under this subsection will remain affordable for extremely low-income families or low-income families, as applicable, for not less than 40 years;

(iv) a certification that any housing developed by the applicant with assistance under this subsection will be located—

(I) in a mixed-income development in a census tract having a poverty rate of not more than 20 percent, and near employment and other opportunities for low-income families; or

(II) in a community undergoing revitalization;

(v) a certification that the tenant contribution towards rent for a family residing in a unit developed with assistance under

this paragraph will not exceed 30 percent of the adjusted income of that family; and

(vi) a certification by the applicant that the owner of a project in which any housing developed with assistance under this subsection is located will make a percentage of units in the project available to families assisted under the voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) on the same basis as other families eligible for the housing (except that only the voucher holder's expected share of rent shall be considered), which percentage shall not be less than the percentage of the total cost of developing or rehabilitating the project that is funded with assistance under this subsection.

(D) FORMS OF ASSISTANCE.—

(i) IN GENERAL.—An eligible intermediary may distribute the amount made available under a grant under this subsection in the form of capital grants, non-interest bearing or low-interest loans or advances, deferred payment loans, guarantees, and other forms of assistance.

(ii) REPAYMENTS.—If an eligible intermediary awards assistance under this subsection in the form of a loan or other mechanism by which funds are later repaid to the eligible intermediary, any repayments received by the eligible intermediary shall be distributed by the eligible intermediary in accordance with the plan of use described in subparagraph (C) the following fiscal year.

**SEC. 5. REGULATIONS.**

Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations to carry out this Act.

---

SECTION BY SECTION OF NATIONAL AFFORDABLE HOUSING TRUST FUND LEGISLATION

SECTION 1: SHORT TITLE

National Affordable Housing Trust Fund Act of 2000.

SECTION 2: PURPOSES

The purpose of this Act is to use profits generated by federal housing programs to help alleviate the current housing crisis by funding new construction of affordable rental housing in mixed-income developments and homeownership activities.

SECTION 3: NATIONAL HOUSING TRUST FUND

This Section establishes a National Affordable Housing Trust Fund (''Trust Fund'') in the Treasury of the U.S. Excess revenue generated by the Federal Housing Administration (''FHA'') and the Government National Mortgage Association (''GNMA'') will be transferred to the Trust Fund in fiscal year 2001 and each year thereafter for eligible uses.

FHA revenue, in excess of an amount necessary for the FHA to retain 3% capital, will be transferred to the Trust Fund. FHA is currently required to maintain 2% capital. GNMA revenues will also be captured, above what the Secretary determines is necessary for safe and sound operations.

SECTION 4: ADMINISTRATION OF NATIONAL AFFORDABLE HOUSING TRUST FUND

This Section describes how Trust Fund assistance will be allocated and for what uses. 75% of Trust Fund assistance will be given as matching grants to States and 25% will be awarded by HUD through a national competition, as follows:

*Matching Grants to States.* 75% of the Trust Fund will be given as matching grants to States on a formula based on factors related to need for housing in the State. States will be required to match 25% of the federal grant with non-federal funds. If a State does not come up with the requisite match, public and non-profit entities can apply for the State's portion of funds.

States will distribute assistance according to need and criteria, including: whether the development will be mixed income; whether the development is located in a low-poverty census tract or a community experiencing revitalization; and the amount of additional funding devoted to the project.

75% of Trust Fund assistance distributed by each State must be used for the construction of rental housing for extremely low-income households (income under 30% of area median income) in mixed income developments which must remain affordable for 40 years. The bill establishes a ''Continued Assistance Rental Subsidy Program'' under which a developer may use funds for up to three years of operating subsidy, so long as it partners with a local housing agency to ensure a stream of eligible tenants to the units, and the housing agency agrees to provide any tenant in those units with a voucher to move if the tenant so chooses.

The other 25% of assistance may be used for low-income families (incomes under 80% of area median income) for construction of rental housing or for homeownership activities.

*National Competition*

25% of the Trust Fund will be awarded by HUD through competitive grants to nonprofit intermediaries, who will use and distribute the funds based on the same criteria as required by the States. While there is no specific matching requirement, HUD must give priority to those intermediaries which leverage the greatest amount of private and non-federal funds.

Like the State grants, 75% of assistance must be used for rental housing for extremely low-income households in mixed income developments, and the units must remain affordable for 40 years, and the other 25% of assistance must be used for low-income families for rental housing or homeownership activities. However, if a project contributes to a community revitalization plan, these targeting requirements are waived, so long as the households assisted in the project have incomes under 60% of the area median income.

SECTION 5: REGULATIONS

HUD is required to promulgate regulations within 6 months of the date of enactment of this bill.

---

CITIZENS' HOUSING AND PLANNING ASSOCIATION, INC.,
*Boston, MA, July 26, 2000.*

Senator JOHN F. KERRY,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR KERRY: On behalf of Citizens' Housing and Planning Association (CHAPA), I wanted to express our strong support for the national housing trust fund legislation that you will be filing this week. CHAPA is the largest and most diverse housing advocacy organization in New England, representing more than 1,500 housing providers, advocates, government officials, lenders, and others.

In Massachusetts, we are in the midst of the most acute housing crisis on record. The number of Massachusetts households with severe housing needs has reached an all-time high. Nearly 245,000 households pay more than half of their incomes for rent, a 21 percent jump since 1990. Since 1997, 10,000 Massachusetts families have been homeless each year, double the number since 1990.

The clear solution to this problem is to build and preserve more affordable housing for low income families. The trust fund legislation, which you are sponsoring, will lead to the creation of thousands of affordable rental units across the country. We are pleased that the focus of this program will be to create new housing for low income families who are facing the biggest housing squeeze.

We also are extremely pleased that the trust fund provides flexible funds to the states and non-profit developers so that these entities can tailor solutions to meet local needs. The proposed program encourages the leveraging of private funds and the creation of mixed income housing.

Thank you once again for playing an outstanding leadership role on affordable housing. We hope that Congress will act expeditiously on this critical legislation.

Sincerely,

AARON GORNSTEIN,
*Executive Director.*

---

NATIONAL HOUSING CONFERENCE,
*Washington, DC, July 27, 2000.*

Hon. JOHN F. KERRY,
*Senate Russell Office Building,*
*Washington, DC.*

DEAR SENATOR KERRY: We, the National Housing Conference, would like to extend our thanks to you for introducing the National Housing Trust Fund Act of 2000. The NHC is a broad-based nonpartisan advocate for national policies that promote suitable housing in a safe, decent environment across the nation. The NHC consists of members from across the entire spectrum of the housing industry. Since 1931, the NHC has demonstrated itself to be known as the united voice for housing.

We are writing to pledge our support for your act because we know you understand that:

(1) There is a compelling need for federal legislation to construct affordable housing. Last month, our research affiliate, the Center for Housing Policy, released a report titled ''Housing America's Working Families.'' The report demonstrated that despite the unprecedented economic prosperity that this nation has been experiencing, one out of every seven families has a critical housing need—They are either spending over half their total income on rent or they are living in severely inadequate units. These families—many of them moderate-income working families—are teetering on an all-too precarious ledge. Housing is a fundamental human need and we believe that it is a shame that so many of America's families are faced with such pressing housing problems, particularly in an era of such economic abundance.

(2) The National Housing Trust Fund Act of 2000 would help alleviate that need. The Act would allocate much needed funds toward the construction and preservation of a range of quality housing choices for low and moderate income people. An increase in affordable housing options would provide many needy families with better equalities of life. The National Housing Trust Fund would supplement and complement existing supply-oriented programs such as public housing, HOME, and the Low Income Housing Tax Credit. Furthermore, Ann Schnare, President of the Center for Housing Policy said in a testimony on June 20th before Senator Allard, ''Many states and local jurisdictions have established Housing Trust Funds to capture revenue from many sources for affordable housing. An analogous trust fund should be established at the federal level. . . It could further encourage and strengthen affordable housing efforts at the state and local levels by providing incentives and developing partnerships with various entities.''

It is important to note that the National Housing Trust Fund would be in addition to existing appropriated funds and would not supplant those appropriations. It would be financed solely by excess income generated by the FHA and by Ginnie Mae. If we establish this National Housing Trust Fund we will

ensure for countless future generations of Americans that there will always be dependable affordable housing options.

Clearly, the National Housing Trust Fund Act is a good step in the right direction. Too many people in our country are lacking a fundamental human necessity—adequate housing. This act would create provisions to mitigate some of this critical housing need. Trust funds have been developed in the past for other national priorities such as Social Security, highways, and airports. We're glad that you agree that it is about time for us to make housing a national priority as well.

Sincerely,

ROBERT J. REID,
*Executive Director.*

---

NATIONAL ASSOCIATION OF REALTORS,
*Washington, DC, July 26, 2000.*

Hon. JOHN F. KERRY,
*Subcommittee on Housing and Transportation, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.*

DEAR SENATOR KERRY: On behalf of the more than 760,000 members of the National Association of Realtors, I am pleased to indicate our support for your legislation. The National Affordable Housing Trust Fund Act of 2000. We believe this important legislation reduces the barriers to affordable housing production and closes the gap in needed housing opportunities for American families, and we welcome the opportunity to work with you to gain its passage.

As you know, millions of working American families are facing a housing affordability crisis despite an unprecedented run of economic growth and prosperity. This phenomenon is exacerbated by the continuing decline of our nation's affordable housing stock. The increase in demand coupled with the diminishing supply of affordable units are straining housing capacity in many communities nationwide, leading to a rise in homelessness for many worthy American working families.

The National Association of Realtors believes the time is appropriate to address our nation's affordable housing crisis as a national priority and forge a coherent and focused set of policies for immediate adoption. Your legislation establishing a trust fund utilizing revenues created through the popular and successful FHA homeownership program for usage in other critical housing areas is an insightful and innovative response to the shortage of affordable housing units. We strongly support this objective and we stand ready to work with you and the Subcommittee during deliberation of your bill.

Sincerely,

DENNIS R. CRONK,
*President.*

---

NATIONAL ASSOCIATION OF HOME BUILDERS, FEDERAL GOVERNMENT AFFAIRS DIVISION,
*Washington, DC, July 27, 2000.*

Hon. JOHN KERRY,
*Ranking Member, Senate Subcommittee on Housing and Transportation, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR KERRY: On behalf of the 200,000 members of the National Association of Home Builders (NAHB), I want to extend to you our appreciation and support for your efforts to introduce legislation to establish a ''National Affordable Housing Trust Fund''.

NAHB supports your proposal to establish a National Affordable Housing Trust Fund for the production of affordable housing. Indeed, your goal to divert funds from both the ''surplus'' existing within the Mutual Mortgage Insurance Fund (MMI Fund) and excess revenue generated by the Government National Mortgage Association into affordable housing development, is laudable. The growing need for decent affordable housing is well documented. We appreciate your work and interest in this issue and want to assist you in any way to facilitate movement of this legislation.

Again, thank you for your efforts to address the shortage of affordable housing in America.

Sincerely,

GERALD M. HOWARD,
*Senior Staff Vice President.*

---

NATIONAL COUNCIL OF STATE HOUSING AGENCIES,
*Washington, DC, July 26, 2000.*

Hon. JOHN F. KERRY,
*Russell Senate Office Building, Washington, DC.*

DEAR SENATOR KERRY: On behalf of the housing finance agencies (HFAs) of the 50 states, the National Council of State Housing Agencies (NCSHA) commends you for introducing the ''National Affordable Housing Trust Fund Act'' (Trust). Given the tremendous and ever-growing need for decent and affordable housing, it is imperative that any surplus the FHA fund generates be rededicated to housing America's low income families.

In this era of unprecedented economic prosperity, the number of families experiencing worst case housing needs has increased dramatically. According to a recent study published by The Center for Housing Policy, 13.7 million families had critical housing needs in 1997, including six million working and nearly four million elderly households. In the face of these alarming statistics, the affordable housing stock has lost over one million units between 1993 and 1998.

Housing need, though great everywhere, varies dramatically among and within the states. In some states, newly produced rental housing for very low income families is the greatest need. In others, preserving the irreplaceable low-cost rental inventory is the highest priority.

Your bill responds effectively to these diverse housing needs by allocating Trust funds directly to the states. States understand their housing needs and are in the best position to leverage these funds with other housing resources. The sound and efficient administration of the Housing Credit and the HOME programs are clear evidence of states' capacity to administer the Trust fund.

We look forward to working with you as you move this bill forward to design a delivery system that relies on the states and their private and public sector partners to direct these precious resources to their most pressing housing needs. Thank you for all you are doing to expand affordable housing opportunity.

Sincerely,

BARBARA J. THOMPSON,
*Director of Policy and Government Affairs.*

---

NATIONAL LOW INCOME HOUSING COALITION/LIHIS,
*Washington, DC, July 26, 2000.*

Hon. JOHN F. KERRY,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR KERRY: On behalf of the National Low Income Housing Coalition. I am pleased to offer our support for the National Affordable Housing Trust Fund Act of 2000, which you will introduce shortly. HLIHC is a membership organization dedicated solely to ending the affordable housing crisis in America. The National Affordable Housing Trust Fund that you propose offers concrete and sustainable resources towards achieving that goal.

The dimensions of the affordable housing crisis are well documented. As you know, nowhere in the United States can a full time minimum wage worker afford a one-bedroom unit at the fair market rent. The housing wage, that is, the hourly wage one must earn to afford the fair market rent, ranges from $8.02 in West Virginia to $17.01 in Hawaii. The supply of housing that is affordable to low wage workers and elderly and disabled people on fixed incomes is dwindling while the rents of the remaining units are escalating. Even those families that are fortunate enough to receive a federal housing voucher often are not able to find housing they can afford with the voucher. The need for new affordable housing production resources is serious and urgent.

The Housing Trust Fund provides a dedicated source of funding for the production or rehabilitation of rental housing. The use of excess revenue from FHA and Ginnie Mae for this purpose is sensible housing policy. We are very pleased that a majority of the funds will be targeted to housing that is to be affordable to extremely low income households for at least 40 years. This is the population with the most severe housing problems and for whom the fewest resources are available to increase the supply of affordable housing. We also commend the decision to make operating support an eligible activity for three years and the preference for projects that can demonstrate an ongoing source of operating subsidy.

We look forward to working with you towards passage of this important new federal housing legislation. Thank you for your continued leadership on housing issues in the Congress.

Sincerely,

SHEILA CROWLEY,
*President.*

---

NATIONAL COALITION FOR THE HOMELESS,
*Washington, DC, July 26, 2000.*

Senator JOHN KERRY,
*Russell Building, Washington, DC.*

DEAR SENATOR KERRY: ''They've got jobs, they just can't find housing they can afford,'' is the comment we hear from local providers across the country as they talk about the unmet housing needs of an increasing number of families and individuals who have consequently become homeless in their communities. It is, therefore, with great enthusiasm that the National Coalition for the Homeless supports the National Affordable Housing Trust Fund, and strongly encourages its expedited enactment and implementation.

As you know, for the past two decades, we have been consistently rescinding our commitment to ''decent housing for all Americans''. As a result, the need for affordable housing is profound throughout the nation, in communities of diverse sizes and socioeconomic circumstances, and most especially among extremely low-income households. For this reason, we are seeing an unprecedented number of employed men and women who have been forced into homelessness. I was recently visiting a 250-bed single men's shelter in a urban setting, where 70% of the residents were employed, most full time, and what they got for their efforts, was a thin mat on a concrete floor to call their 'home'. We are also finding very significant rates of homelessness among families who are doing what they have been asked to do—moving from welfare to work—but because of their low-wages are not able to afford stable housing in healthy neighborhoods, which compromises both their long-term employability and the health and well-being of their children. We all want welfare reform to work; the missing link has always been affordable housing.

Knowing that the availability of affordable housing is fundamental to insuring that

working families can expect to meet their basic needs, we are very grateful for your leadership in taking us as a nation down the path of truly valuing individual and family stability enough to ensure housing opportunities for those without the resources to do it alone. The National Affordable Housing Trust Fund represents America at her best—opportunities and basic resources being made available to all among us. Thank you for helping to bring America home again.

Sincerely,

MARY ANN GLEASON,
*Housing Policy Analyst.*

---

THE ENTERPRISE FOUNDATION,
*Washington, DC, July 26, 2000.*

Hon. JOHN F. KERRY,
*Ranking Member, Subcommittee on Housing and Transportation, Committee on Banking, Housing and Urban Affairs, Senate Hart Office Building, Washington, DC.*

DEAR SENATOR KERRY: On behalf of The Enterprise Foundation, the more than 1,500 community development organizations that we represent and the millions of low-income Americans living in poverty, we applaud your efforts to increase the number of permanently affordable homes available for those families most in need by establishing The National Affordable Housing Trust Fund. The proposed legislation, ''The National Affordable Housing Trust Fund of 2000,'' provides additional funding to the states and nonprofit organizations for the development of decent, safe and affordable housing for low-income families.

The Enterprise Foundation is a national nonprofit housing and community development organization dedicated to rebuilding distressed neighborhoods. Central to our mission is to see that all low-income people in the United States have the opportunity for fit and affordable housing and to move up and out of poverty into the mainstream of American life. Therefore, we see firsthand the critical need for this legislation as a way to combat the growing affordable housing crisis faced by our nation.

At a time of unprecedented national prosperity, it is unconscionable that an ever larger number of Americans have trouble securing decent, affordable housing. In fact, it is a side effect of our booming economy that rents are rising faster than wages for poor working Americans. This historic legislation recognizes that now is the time to deal with our national need to produce more safe and sanitary housing for low-income Americans.

Your bill strikes a thoughtful balance between devolution to the states and federal innovation. It allows states to decide how to spend the majority of the grant funds according to their housing needs but also allows for federal funding of innovative private/public partnership models as a way to leverage limited public resources.

We look forward to working with you on this bill throughout the legislative process and admire your leadership and continued efforts to address the critical housing needs of our nation's lower-income families. With your support we look forward to continuing our mission to rebuild distressed communities by providing people the tools they need to move out of poverty.

Sincerely,

KRISTIN SIGLIN,
*Vice President.*

Mr. SARBANES. Mr. President, I come to the floor today to voice my support for the National Affordable Housing Trust Fund Act introduced by Senator KERRY. Establishing a National Affordable Housing Trust Fund is a necessary and timely legislative initiative.

The number of families in our country who live in substandard housing, or pay more than 50 percent of their income for housing costs—the factors considered in determining worst case housing need—is staggering. Recent studies show that 5.4 million American families have worst case housing needs. This is 100,000 more families than were classified as worst case housing needs just last year.

In addition, no family making minimum wage can afford the fair market rent for a two bedroom apartment in any metro area in the country. On average, a person needs to earn over $11 to afford an apartment in any American metro area, but this number is even higher in many parts of the country. For instance, in Baltimore a person must earn over $12 an hour, or $24,000 a year to afford the rent on a two bedroom apartment.

Traditionally, the government has helped families who do not earn enough to afford a place to live with section 8 vouchers. However, in today's booming real estate market, a section 8 voucher is no guarantee of finding a place to live.

Currently, families in Maryland wait upwards of 31 months to get a section 8 housing voucher. Once they receive the voucher, they face a new challenge: finding an apartment that is affordable for them.

Recent articles in the Washington Post have highlighted the trials of poor working families attempting to find affordable housing both with and without federal assistance. One Fairfax, Virginia woman working full time and living in a shelter called over 30 landlords, none of which had vacancies that she could afford. Another social worker commented that the voucher holders she counseled had to call close to 100 different developments to find a unit. The reality is that there are simply not enough affordable housing units in our country to meet the needs of low income Americans.

This situation is simply unacceptable. The working poor of our country deserve decent places to live. Adequate housing is an essential need for all Americans. It is the anchor that allows families to thrive.

Children can't learn if they are forced to attend 3 or 4 schools in a single year as their parents move from friend to friend because they cannot afford the rent. Workers can't find jobs or get training if they spend their days fighting to put a roof over their kids' heads. A sick person will not get well if she spends her days huddled on a grate, waiting for a bed in an emergency shelter.

Senator KERRY's bill would address our country's severe affordable housing crisis by establishing an Affordable Housing Trust Fund that will support the construction of additional affordable housing.

The Trust Fund is designed to create long-term affordable, mixed income housing developments in areas where low-income families will have access to transportation, social services, and job opportunities. It is also designed to help in areas where local governments are committed to revitalization. These priorities are explicitly laid out in the legislation.

The bottom line is that we need to provide more resources to states, local governments and non-profits who are working to build more affordable housing. Unless we build more affordable units we will not be able to solve the housing crisis we have today.

This bill is an opportunity for us to take advantage of our booming economy to do this. I encourage my colleagues to join me in supporting National Affordable Housing Trust Fund Act.

Mr. WELLSTONE. Mr. President, I am proud to join my colleagues here today as co-sponsor of this bill which represents an important step forward in solving the shortage of affordable housing. The need for affordable housing has reached epic proportions and touches all of our communities. The time for action is now.

The National Affordable Housing Trust Fund will be used to produce housing that is affordable to very low income families. It will provide states matching grant funds to produce affordable housing and engage in homeownership activities. It will allow nonprofit intermediaries to compete for funds to produce housing. Most importantly, however, is it will use the proceeds from our investment in promoting homeownership to build homes for low income families.

Mr. President, in 1997, 5.4 million households with 12.3 million people paid more than one half of their income in rent or lived in seriously substandard housing. Who are these 12.3 million people? 1.5 million are elderly persons, 4.3 million are children and between 1.1 and 1.4 million are adults with disabilities. We can afford to do better. This is a prosperous nation that can afford to solve this problem.

In may own states of Minnesota, a worker must earn $11.54 an hour, 40 hours a week, 522 weeks out of the year to afford a fair market rent for a two bedroom apartment. $11.54. That's more than double the minimum wage. In fact, to afford a two bedroom apartment at minimum wage, families must work 88 hours a week. 88 hours. That's barely possible for a two parent family, and it is completely impossible for single parent families.

The poorest families are particularly hard hit. In Minneapolis-St. Paul, a study conducted by the Family Housing Fund found 68,900 renters with incomes below $10,000 in Minneapolis-St. Paul and only 31,200 housing units with rents affordable to those families. That is more than two families for each unit affordable to a family at that income level and there is every indication it is getting worse.

Given this information, it isn't hard to understand why the number of families entering emergency shelters and

using emergency food pantries is on the rise. In fact, more and more of the homeless are working full time and are still unable to find housing.

Mr. President, we must do more. The shortage of affordable housing is so drastic that in Minneapolis-St. Paul, like many other cities, even those families fortunate enough to receive housing vouchers cannot find a rental unit. Landlords are becoming increasingly selective given the demand for housing and are requiring three months security deposit, hefty application fees and credit checks that price the poor and young new renters out of the market.

Let me share a story that truly struck me. In February, the Minneapolis Public Housing Authority distributed applications for families in the region interested in public housing. This was the first time since 1996 applications were accepted for public housing and it will likely to be last time for several years. Six thousand families sought applications for public housing in six days. An average of 1,000 families each day requested applications to reside in public housing in one metropolitan area.

Those families were not applying for free housing. Residents would be required to pay one third of their income in rent. This is not luxury housing. Many families seem to look upon public housing with disdain, though I know those communities are rich with the talents and contributions of their tenants. This is not even immediate housing. Many of those families will wait years to get into public housing.

Clearly this is a sign that the demand for housing far exceeds the supply. There is an immediate need to produce more affordable housing. Fortunately, we can afford to do this. Fortunately, we have a plan to do this.

Mr. President, I know it is hard to think about poverty when we are surrounded by so much prosperity. But economic prosperity has not touched every family. Instead the gap between income groups continues to widen and the gap between what low income families earn and what they must pay for housing also appears to be widening.

The Bureau of Labor Statistics report that between 1995 and 1997 rents increased faster than income for the 20 percent of American households with the lowest incomes. The Consumer Price Index for Resident Rent rose 6.2 percent, higher than the 3.9 percent rate of inflation for the same period.

The skyrocketing rents are fueled by the shortage of housing. The demand for housing exceeds the supply, so in the private market the rents spiral upwards and far beyond the reach of the poor and often well-beyond the reach of the middle class who find themselves priced out of the very communities they grew up in.

This affects families with children, elderly persons and persons with disabilities. It affects the well-being of businesses. The cost of housing has skyrocketed in some communities to a level that businesses cannot retain workers because their workers cannot afford to live in those communities. The shortage of housing is making it difficult for communities to retain some of our most essential workers. Police, firemen, teachers are all being priced out of the very communities they seek to serve!

Mr. President, I am proud to be part of this effort that will generate more affordable housing for low income families. It is time to heed the call we are all hearing from our constituents. There is not one town, county or metropolitan area in this nation where a family can afford a two bedroom fair market rental working full time, year round at minimum wage. Not one state where a family who receives TANF can afford a two bedroom fair market rental unit.

Families respond to the shortage of housing by crowding into smaller units. A one bedroom. An efficiency. Perhaps they rent seriously substandard housing, exposing their children to lead poisoning, living in neighborhoods where they don't feel safe allowing their children to play outdoors. Housing with leaky roofs, bad plumbing, rodents, roaches. Perhaps they pay more than the recommended 30 percent of their income in rent, maybe 40 percent, 50 percent or more.

Families may do without what we might consider necessities. Not luxuries, but necessities such as gas, heat, and electricity. Families so financially stressed that one small crisis can send them tumbling. Perhaps families double up, two families in a home. Multiple generations crowded under one roof. When the stress of multiple families becomes unbearable, they are left with homeless shelters.

Mr. President, in a recent study of homelessness in Minneapolis-St. Paul, The Family Housing Fund reported that more and more children experience homelessness. In one night in 1987, 244 children in the Twin Cities were in a shelter or other temporary housing. In 1999, 1,770 children were housed in shelter or temporary housing. Let me repeat that, 1,770 children in the Minneapolis-St. Paul area on one night alone sent the night in a homeless shelter or temporary housing. Seven times the number in 1987. And families are spending longer periods of time homeless. If they have a family crisis, if they lost their housing due to an eviction, if they have poor credit histories, if they can't save up enough for a two or three month security deposit, they will have longer stretches, longer periods of time in emergency shelters before they transition into homes.

Mr. President, we are experiencing unprecedented prosperity. It is time to make a commitment to ensuring families have access to decent affordable housing. We can afford to do this. In fact, we cannot afford not to do this.

---

By Mr. ROBB:

S. 3000. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

BILL TO AUTHORIZE A LAND EXCHANGE BETWEEN THE SECRETARY OF THE INTERIOR AND THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AT THE GEORGE WASHINGTON MEMORIAL PARKWAY IN MCLEAN VIRGINIA.

Mr. ROBB. Mr. President, the bill I am introducing today simply allows for a land exchange between the National Park Service and the Central Intelligence Agency. This exchange will enable the CIA to address security issues at the entrance to their complex, while preserving access to the Federal highway Administration's Turner-Fairbanks Highway Research Center.

The exchange is currently the subject of an Interagency Agreement between the National Park Service, George Washington Memorial Parkway, and the Central Intelligence Agency. This is a simple exchange that I am sure can be acted on in short order.

I ask unanimous consent that the bill in its entirety be printed in the RECORD.

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

S. 3000

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

**SECTION 1. AUTHORIZATION OF LAND EXCHANGE.**

(a) IN GENERAL.—Subject to section 2, the Secretary of the Interior (referred to in this Act as the ''Secretary'') and the Director of Central Intelligence (referred to in this Act as the ''Director'') may exchange—

(1) approximately 1.74 acres of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, as depicted on National Park Service Drawing No. 850/81992 dated August 6, 1998; for

(2) approximately 2.92 acres of land under the jurisdiction of the Central Intelligence Agency adjacent to the boundary of the George Washington Memorial Parkway, as depicted on National Park Service Drawing No. 850/81991, Sheet 1, dated August 6, 1998.

(b) PUBLIC INSPECTION.—The drawings referred to in subsection (a) shall be available for public inspection in appropriate offices of the National Park Service.

**SEC. 2. CONDITIONS OF LAND EXCHANGE.**

(a) NO REIMBURSMENT OR CONSIDERATION.—The exchange described in section 1 shall occur without reimbursement or consideration;

(b) PUBLIC ACCESS FOR MOTOR VEHICLE TURN-AROUND.—The Director shall allow public access to a road on the land described in subsection (a)(1) for a motor vehicle turnaround on the George Washington Memorial Parkway.

(c) TURNER FAIRBANK HIGHWAY RESEARCH CENTER.—The Director shall allow access to the land described in subsection (a)(1) by—

(1) employees of the Turner Fairbank Highway Research Center of the Federal Highway Administration; and

(2) other Federal employees and visitors whose admission to the Center is authorized by the Center.

(d) CLOSURE TO PROTECT CENTRAL INTELLIGENCE AGENCY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3) and notwithstanding any other provision of this section the Director may close access to the land described in subsection (a)(1) to all persons (other than the United States Park Police, other necessary employees of the National Park Service, and employees of the Turner-Fairbank Highway Research Center of the Federal Highway Administration) if the Director determines that the physical security conditions require the closure to protect employees or property of the Central Intelligence Agency.

(2) TIME LIMITATION.—The Director may not close access to the land under paragraph (1) for more than 12 hours during any 24-hour period unless the Director consults with the National Park Service, the Turner-Fairbank Highway Research Center of the Federal Highway Administration, and the United States Park Police.

(3) TURNER FAIRBANK HIGHWAY RESEARCH CENTER.—No action shall be taken under this subsection to diminish access to the land described in subsection (a)(1) by employees of the Turner-Fairbank Highway Research Center of the Federal Highway Administration except when the access to the land is closed for security reasons.

(e) The Director shall ensure compliance by the Central Intelligence Agency with the deed restrictions for the transferred land as depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998.

(f) The National Park Service and the Central Intelligence Agency shall comply with the terms and conditions of the Interagency Agreement between the National Park Service and the Central Intelligence Agency signed in 1998 regarding the exchange and management of the lands discussed in that agreement.

(g) The Secretary and the Director shall complete the transfers authorized by this section not later than 120 days after the date of enactment of this Act.

**SEC. 3. MANAGEMENT OF EXCHANGED LANDS.**

(a) The land conveyed to the Secretary under section 1 shall be included within the boundary of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to the laws and regulations applicable thereto.

(b) The land conveyed to the Central Intelligence Agency under section 1 shall be administered as part of the Headquarters Building Compound of the Central Intelligence Agency.

## ADDITIONAL COSPONSORS

S. 279

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 913

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 913, a bill to require the Secretary of Housing and Urban Development to distribute funds available for grants under title IV of the Stewart B. McKinney Homeless Assistance Act to help ensure that each State received not less than 0.5 percent of such funds for certain programs, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 922, a bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1017

At the request of Mr. MACK, the name of the Senator from Wyoming (Mr. ENZI) 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. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) 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. 1085

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1085, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1558

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1732

At the request of Mr. BREAUX, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors 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. 2071

At the request of Mr. GORTON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Utah (Mr. HATCH), the Senator from California (Mrs. FEINSTEIN), the Senator from Idaho (Mr. CRAPO), the Senator from Maine (Ms. SNOWE), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2589

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr.

HARKIN) was added as a cosponsor of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 2608

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2610

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2610, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Mrs. MURRAY), the Senator from Arizona (Mr. MCCAIN), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2703

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2739

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2800

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

S. 2807

At the request of Mr. BREAUX, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2807, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes.

At the request of Mr. FRIST, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2807, supra.

S. 2824

At the request of Mr. CLELAND, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2824, a bill to authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

S. 2841

At the request of Mr. ROBB, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2874

At the request of Mr. MOYNIHAN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2874, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 2878

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2878, a bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

S. 2879

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2879, a bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes.

S. 2923

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2923, a bill to amend title XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the *U.S.S. Wisconsin* and all those who served aboard her.

S. CON. RES. 127

At the request of Mr. FITZGERALD, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece.

S. CON. RES. 130

At the request of Mr. ABRAHAM, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Minnesota (Mr. GRAMS), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Con. Res. 130, a concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

At the request of Mrs. LINCOLN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. BOXER), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Con. Res. 130, supra.

S.J. RES. 49

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S.J. Res. 49, a joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

S.J. RES. 50

At the request of Mr. CRAPO, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S.J. Res. 50, supra.

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Louisiana

(Ms. LANDRIEU), the Senator from New Hampshire (Mr. SMITH), the Senator from Arizona (Mr. MCCAIN), the Senator from New York (Mr. MOYNIHAN), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

S. RES. 330

At the request of Mr. INHOFE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 330, a resolution designating the week beginning September 24, 2000, as ''National Amputee Awareness Week.''

S. RES. 339

At the request of Mr. REID, the names of the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mr. EDWARDS), the Senator from California (Mrs. BOXER), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as ''National Survivors of Suicide Day.''

S. RES. 340

At the request of Mr. REID, the names of the Senator from Texas (Mr. GRAMM), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Nebraska (Mr. HAGEL), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 340, a resolution designating December 10, 2000, as ''National Children's Memorial Day.''

## SENATE CONCURRENT RESOLUTION 132—A CONCURRENT RESOLUTION PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES.

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 132

*Resoved by the Senate (the House of Representatives concurring),* That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, or until such time on either day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, July 27, 2000, or Friday, July 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Wednesday, September 6, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

## SENATE CONCURRENT RESOLUTION 133—TO CORRECT THE ENROLLMENT OF S. 1809

Mr. JEFFORDS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 133

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of the Senate, in the enrollment of the bill (S.1809) to improve service systems for individuals with developmental disabilities, and for other purposes, shall make the following corrections:

(1) Strike ''1999'' each place it appears (other than in section 101(a)(2)) and insert ''2000''.

(2) In section 101(a)(2), strike ''are'' and insert ''were''.

(3) In section 104(a)—

(A) in paragraphs (1), (3)(C), and (4), strike ''2000'' each place it appears and insert ''2001''; and

(B) in paragraph (4), strike ''fiscal year 2001'' and insert ''fiscal year 2002'.'

(4) In section 124(c)(4)(B)(i), strike ''2001'' and insert ''2002''.

(5) In section 125(c)—

(A) in paragraph (5)(H), strike ''assess'' and insert ''access''; and

(B) in paragraph (7), strike ''2001'' and insert ''2002''.

(6) In section 129(a)—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(7) In section 144(e), strike ''2001'' and insert ''2002''.

(8) In section 145—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(9) In section 156—

(A) in subsection (a)(1)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''; and

(B) in subsection (b), strike ''2000'' each place it appears and insert ''2001''.

(10) In section 163—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(11) In section 212, strike ''2000 through 2006'' and insert ''2001 through 2007''.

(12) In section 305—

(A) in subsection (a)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''; and

(B) in subsection (b)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 and 2002'' and insert ''fiscal years 2002 and 2003''.

## SENATE RESOLUTION 345—DESIGNATING OCTOBER 17, 2000, AS A ''DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE''

Mrs. MURRAY (for herself, Mr. WARNER, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GORTON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. REED, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SPECTER, Mr. TORRICELLI, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 345

Whereas every day in the United States, 12 children under the age of 19 are killed with guns;

Whereas 31 percent of children aged 12 to 17 know someone in that age bracket who carries a gun;

Whereas during the 1996–1997 school year, 5,724 students were expelled for bringing guns or explosives to school;

Whereas the homicide rate for children under 15 years of age is 16 times higher in the United States than in 25 other industrialized nations;

Whereas over the past year, at least 50 people have been killed or injured in school shootings in the United States;

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in enabling children to grow in an environment free from fear and violence;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of October 17, 2000, as a ''Day of National Concern About Young People and Gun Violence'' will allow students to make a positive and earnest decision about their future in that such students will have the opportunity to voluntarily sign the ''Student Pledge Against Gun Violence'', and promise that they will never take a gun to school, will never use a gun to settle a dispute, and will actively use their influence in a positive manner to prevent friends from using guns to settle disputes: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates October 17, 2000, as a ''Day of National Concern About Young People and Gun Violence''; and

(2) requests that the President issue a proclamation calling on the school children of the United States to observe the day with appropriate ceremonies and activities.

Mrs. MURRAY. Mr. President, I rise to introduce a resolution that has

passed the Senate for the past four years unanimously. My resolution, which I am introducing today with Senator WARNER and 31 original cosponsors establishes October 17, 2000, as a ''Day of National Concern about Young People and Gun Violence.'' For the last several years, I have sponsored this legislation. I am pleased that Senator WARNER has joined me again in leading the cosponsorship drive as we pledge to our young people across the nation that we support their strong efforts to help stop the violence in their own schools and communities. I thank Senator WARNER for his help and partnership.

Sadly, this resolution has special meaning for all of us after the tragic events that occurred in the last couple of years. School shootings across the nation have paralyzed communities and shocked the country. In recent years, we've seen school shootings from Mississippi to Oregon. In fact, just two weeks ago, a thirteen year old boy in Seattle, Washington, opened fire in a crowded cafeteria at his junior high school. Luckily no one was hurt. These events have touched us all. Adults and young people alike have been horrified by the violence that has occurred in our schools, which should be a safe haven for our children. We are left wondering what we can do to prevent these tragedies.

I am again introducing this resolution because I am convinced the best way to prevent gun violence is by reaching out to individual children and helping them make the right decisions. This resolution establishes a special day that gives parents, teachers, government leaders, service clubs, police departments, and others a way to focus on the problems caused by gun violence. It also empowers young people to take affirmative steps to end this violence by encouraging them to take a pledge not to use guns to resolve disputes.

A Minnesota homemaker, Mary Lewis Grow, developed the idea of student pledges and for a ''Day of National Concern for Young People and Gun Violence.'' In addition, Mothers Against Violence in America, the National Parent Teacher Association, the American Federation of Teachers, the National Association of Student Councils, and the American Medical Association have joined the effort to establish a special day to express concern about our children and gun violence and to support a national effort to encourage students to sign a pledge against gun violence. In 1999, more than two million students across the nation signed the pledge card.

The Student Pledge Against Gun Violence gives students the chance to make a promise, in writing, that they will do their part to prevent gun violence. The students' pledge promises three things: (1) they will never carry a gun to school; (2) they will never resolve a dispute with a gun; and (3) they will use their influence with friends to discourage them from resolving disputes with guns.

Just think of the lives we could have saved if all students had signed—and lived up to—such a pledge last year. Twelve children would have been alive today and 50 people would have escaped injury from a school shooting. The reality is we've lost many children in what has become the all-too-common violence of drive-by shootings, drug wars, and other crime and in self-inflicted and unintentional shootings.

We all have been heartened by statistics showing crime in America on the decline. Many factors are involved, including community-based policing, stiffer sentences for those convicted, youth crime prevention programs, and changes in population demographics. None of us intend to rest on our success because we still have far too much crime and violence in our society.

So, we must find the solutions that work and focus our limited resources on resources on those. We must get tough on violent criminals—even of they are young—to protect the rest of society from their terrible actions. And we, each and every one of us, must make time to spend with our children, our neighbor's children, and the children who have no one else to care about them. Only when we reach out to our most vulnerable citizens—our kids—will we stop youth violence.

I urge all of my colleagues to join in this simple effort to focus attention on gun violence among youth by proclaiming October 17 a ''Day of Concern about Young People and Gun Violence.'' October is National Crime Prevention Month—the perfect time to center our attention of the special needs of our kids and gun violence. We introduce this resolution today in the hopes of getting every Senator to cosponsor it prior to this passage, which we hope will occur in early September. This is an easy step for us to help facilitate the work that must go on in each community across America, as parents, teachers, friends and students try to prevent gun violence before it ruins any more lives.

Mr. WARNER. Mr. President, I rise today to once again introduce a resolution with my colleague from Washington, Senator MURRAY, to establish October 17, 2000, as the Day of National Concern About Young People and Gun Violence.

According to Health and Human Services Secretary Donna Shalala, 10 children and teens across the country are killed by firearms each day. This statistic is an alarming one, but, nevertheless, statistics can be so impersonal. We must remember that these 10 children lost everyday are real people. They are children, they are brothers, they are sisters, and they are grandchildren to real people. They are also a lost part of our future as a country. When put in real terms such as this, it is difficult to imagine a more important task facing our great nation than eliminating gun violence among America's youth.

We all remember the events in Conyers, Georgia; Littleton, Colorado; Peal, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; and Springfield, Oregon, Neighborhoods in these areas have all been home to horrific school shootings. Youth gun violence, however, is not limited to these all too often incidences of school shootings. America has lost thousands of children in what has become the all-too-common violence of drive-by shootings, drug wars and other crimes, as well as in self-inflicted and unintentional shootings.

The good news in our fight against youth gun violence is that child gun deaths in America have fallen every year since 1994. Nevertheless, Mr. President, 10 deaths a day is 10 too many.

While there is no simple solution as to how to stop youth violence, a Minnesota homemaker, Mary Lewis Grow, developed the idea of a Day of National Concern About Young People and Gun Violence. I believe this idea is a step in the right direction, as do such groups as Mothers Against Violence in America, the National Association of Student Councils, the American Federation of Teachers, the National Parent Teacher Associations, and the American Medical Association.

Simply put, this resolution will establish October 17, 2000, as the Day of National Concern About Young People and Gun Violence. On this day, students in every school district in the Nation will be invited to voluntarily sign the ''Student Pledge Against Gun Violence.'' By signing the pledge, students promise that they will never take a gun to school, will never use a gun to settle a dispute, and will use their influence in a positive manner to prevent friends from using guns to settle disputes.

Just last year over 2 million young Americans signed the Student Pledge Against Gun Violence. I am confident the number of student's signing this year's pledge will be even greater. Though this resolution is not the ultimate solution to preventing future tragedies, if it stops even one incident of youth gun violence, this resolution will be invaluable. I urge all of my colleagues to join in this resolution to focus attention on gun violence among youth.

## SENATE RESOLUTION 346—ACKNOWLEDGING THAT THE UNDEFEATED AND UNTIED 1951 UNIVERSITY OF SAN FRANCISCO FOOTBALL TEAM SUFFERED A GRAVE INJUSTICE BY NOT BEING INVITED TO ANY POST-SEASON BOWL GAME DUE TO RACIAL PREJUDICE THAT PREVAILED AT THE TIME AND SEEKING APPROPRIATE RECOGNITION FOR THE SURVIVING MEMBERS OF THAT CHAMPIONSHIP TEAM

Mrs. BOXER submitted the following resolution; which was considered and agreed to:

S. RES. 346

Whereas the 1951 University of San Francisco Dons football team completed its championship season with an unblemished record;

Whereas this closely knit team failed to receive an invitation to compete in any post-season Bowl game because two of its players were African-American;

Whereas the 1951 University of San Francisco Dons football team courageously and rightly rejected an offer to play in a Bowl game without their African-American teammates;

Whereas this exceptionally gifted team, for the most objectionable of reasons, was deprived of the opportunity to prove itself before a national audience;

Whereas ten members of this team were drafted into the National Football League, five played in the Pro Bowl and three were inducted into the Hall of Fame;

Whereas our Nation has made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American; and

Whereas it is appropriate and fitting to now offer these athletes the attention and accolades they earned but were denied:

Now, therefore be it *Resolved*, That the Senate—

(1) applauds the undefeated and untied 1951 University of San Francisco Dons football team for its determination, commitment and integrity both on and off the playing field; and

(2) acknowledges that the treatment endured by this team was wrong and that recognition for its accomplishments is long overdue.

## AMENDMENTS SUBMITTED

## JUSTICE FOR VICTIMS OF TERRORISM ACT

### MACK (AND OTHERS) AMENDMENT NO. 4021

(Ordered to lie on the table.)

Mr. MACK (for himself, Mr. LAUTENBERG, Mr. LEAHY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill (S. 1796) to modify the enforcement of certain anti-terrorism judgments, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.**

(a) SHORT TITLE.—This section may be cited as the ''Justice for Victims of Terrorism Act''.

(b) DEFINITION.—

(1) IN GENERAL.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3) by striking the period and inserting a semicolon and ''and'';

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking ''(b)'' through ''entity—'' and inserting the following:

''(b) An 'agency or instrumentality of a foreign state' means—

''(1) any entity—''; and

(D) by adding at the end the following:

''(2) for purposes of sections 1605(a)(7) and 1610 (a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1391(f)(3) of title 28, United States Code, is amended by striking ''1603(b)'' and inserting ''1603(b)(1)''.

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking ''(including any agency or instrumentality or such state)'' and inserting ''(including any agency or instrumentality of such state)''; and

(B) by adding at the end the following:

''(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency, subdivision or instrumentality thereof) to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution, in like manner and to the same extent as if the United States were a private person.''; and

(2) by adding at the end the following:

''(3)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations.

''(B) A waiver under this paragraph shall not apply to—

''(i) if property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations has been used for any nondiplomatic purpose (including use as rental property), the proceeds of such use; or

''(ii) if any asset subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

''(C) In this paragraph, the term 'property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations' and the term 'asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations, as the case may be.

''(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 117(d) of the Treasury Department Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–492) is repealed.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

(f) PAYGO ADJUSTMENT.—The Director of OMB shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from enactment of this section.

**SEC. 2. AID FOR VICTIMS OF TERRORISM.**

(a) MEETING THE NEEDS OF VICTIMS OF TERRORISM OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Section 1404B(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)) is amended as follows:

''(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE UNITED STATES.—

''(1) IN GENERAL.—The Director may make supplemental grants as provided in 1402(d)(5) to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

''(2) VICTIM DEFINED.—In this subsection, the term 'victim'—

''(A) means a person who is a national of the United States or an officer or employee of the United States who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

''(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to allow the Director to make grants to any foreign power (as defined by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.''.

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any terrorist act or mass violence occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

(3) ADMINISTRATIVE PROVISION.—Not later than 90 days after the date of enactment of this Act, the Director shall establish guidelines under section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(a)) to specify the categories of organizations and agencies to which the Director may make grants under this subsection.

(4) TECHNICAL AMENDMENT.—Section 1404B(b) of the Victims of Crime Act of 1984

(42 U.S.C. 10603b(b)) is amended by striking ''1404(d)(4)(B)'' and inserting ''1402(d)(5)''.

(b) AMENDMENTS TO EMERGENCY RESERVE FUND.—

(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking ''$50,000,000'' and inserting ''$100,000,000''.

(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C 10601(e)) is amended by striking ''in excess of $500,000'' and all that follows through ''than $500,000'' and inserting ''shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums''.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

**''SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.**

''(a) DEFINITIONS.—In this section:

''(1) INTERNATIONAL TERRORISM.—The term 'international terrorism' has the meaning given the term in section 2331 of title 18, United States Code.

''(2) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(3) VICTIM.—

''(A) IN GENERAL.—The term 'victim' means a person who—

''(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988 with respect to which an investigation or prosecution was ongoing after April 24, 1996; and

''(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

''(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

''(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

''(b) AWARD OF COMPENSATION.—The Director may use the emergency reserve referred to in section 1402(d)(5)(A) to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization.

''(c) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

''(1) an explanation of the procedures for filing and processing of applications for compensation;

''(2) a description of the procedures and policies instituted to promote public awareness about the program;

''(3) a complete statistical analysis of the victims assisted under the program, including—

''(A) the number of applications for compensation submitted;

''(B) the number of applications approved and the amount of each award;

''(C) the number of applications denied and the reasons for the denial;

''(D) the average length of time to process an application for compensation; and

''(E) the number of applications for compensation pending and the estimated future liability of the program; and

''(4) an analysis of future program needs and suggested program improvements.''.

(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting '', to provide compensation to victims of international terrorism under the program under section 1404C,'' after ''section 1404B''.

(d) AMENDMENTS TO VICTIMS OF CRIME FUND.—Section 1402(c) of the Victims of Crime Act 1984 (42 U.S.C. 10601(c)) is amended by adding at the end the following: ''Notwithstanding section 1402(d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.''.

## COAST GUARD AUTHORIZATION ACT OF 1999

### SNOWE (AND KERRY) AMENDMENT NO. 4022

Mr. CAMPBELL (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill (S. 1089) to authorize for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Coast Guard Authorization Act of 2000''.

**TITLE I—AUTHORIZATION**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,781,000,000, of which $300,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $389,326,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001, as follows:

(1) For the operation and maintenance of the Coast Guard, $3,399,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $520,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, and of which $110,000,000 shall be available for the construction and acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,700,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,500,000, to remain available until expended.

(c) AUTHORIZATION FOR FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002 as such sums as may be necessary, of which $8,000,000 shall be available for construction or acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

**SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.**

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(e) END-OF-THE-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(f) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

**SEC. 103. LORAN-C.**

(a) FISCAL YEAR 2001.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $20,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) FISCAL YEAR 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $40,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

**SEC. 104. PATROL CRAFT.**

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

**SEC. 105. CARIBBEAN SUPPORT TENDER.**

The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

## TITLE II—PERSONNEL MANAGEMENT

**SEC. 201. COAST GUARD BAND DIRECTOR RANK.**

Section 336(d) of title 14, United States Code, is amended by striking ''commander'' and inserting ''captain''.

**SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.**

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) the Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy; and''.

**SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.**

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

**''§ 511. Compensatory absence from duty for military personnel at isolated duty stations**

''The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

''511. Compensatory absence from duty for military personnel at isolated duty stations''.

**SEC. 204. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.**

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

''(c) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.'';

(2) in section 260(a), by inserting ''and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title'' after ''promotion''; and

(3) in section 271(a), by inserting at the end thereof the following: ''The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.''.

**SEC. 205. COAST GUARD ACADEMY BOARD OF TRUSTEES.**

(a) IN GENERAL.—Section 193 of title 14, United States Code, is amended to read as follows:

**''§ 193. Board of Trustees.**

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish a Coast Guard Academy Board of Trustees to provide advice to the Commandant and the Superintendent on matters relating to the operation of the Academy and its programs.

''(b) MEMBERSHIP.—The Commandant shall appoint the members of the Board of Trustees, which may include persons of distinction in education and other fields related to the missions and operation of the Academy. The Commandant shall appoint a chairperson from among the members of the Board of Trustees.

''(c) EXPENSES.—Members of the Board of Trustees who are not Federal employees shall be allowed travel expenses while away from their homes or regular places of business in the performance of service for the Board of Trustees. Travel expenses include per diem in lieu of subsistence in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

''(d) FACA NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board of Trustees established pursuant to this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 194(a) of title 14, United States Code, is amended by striking ''Advisory Committee'' and inserting ''Board of Trustees''.

(2) The chapter analysis for chapter 9 of title 14, United States Code, is amended by striking the item relating to section 193, and inserting the following:

''193. Board of Trustees''.

**SEC. 206. SPECIAL PAY FOR PHYSICIAN ASSISTANTS.**

Section 302c(d)(1) of title 37, United States Code, is amended by inserting ''an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant,'' after ''nurse,''.

**SEC. 207. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.**

Procedures promulgated by the Secretary of Defense under section 633(a) of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under section 633 of that Act.

**SEC. 208. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.**

Section 689 of title 14, United States Code, is amended by striking ''2001.'' and inserting ''2006.''.

## TITLE III—MARINE SAFETY

**SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.**

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking ''United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.'' and inserting ''United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

**SEC. 302. ICEBREAKING SERVICES.**

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current

icebreaking services that would be caused by such decommissioning.

**SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.**

(a) IN GENERAL.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101–892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to Congress.

(b) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(1) striking subsection (a); and

(2) striking ''(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—''.

**SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.**

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting ''To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.''.

**SEC. 305. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.**

(a) INTERIM MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended—

(1) by striking ''A'' in subsection (f) and inserting ''Except as provided in subsection (g), a''; and

(2) by adding at the end the following:

''(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

''(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

''(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

''(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.''.

(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and''.

**SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.**

Section 2302(a) of title 46, United States Code, is amended by striking ''$1,000.'' and inserting ''$25,000.''.

**SECTION 307. AMENDMENT OF DEATH ON THE HIGH SEAS ACT.**

(a) RIGHT OF ACTION.—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as the ''Death on the High Seas Act'') is amended—

(1) by striking ''accident'' in subsection (b) and inserting ''accident, or an accident involving a passenger on a vessel other than a recreational vessel or an individual on a recreational vessel (other than a member of the crew engaged in the business of the recreational vessel who has not contributed consideration for carriage and who is paid for on-board services),''; and

(2) by adding at the end the following:

''(c) PASSENGER; RECREATION VESSEL.—In this section:

''(1) PASSENGER.—The term 'passenger' has the meaning given that term by section 2101(21) of title 46, United States Code.

''(2) RECREATIONAL VESSEL.—The term 'recreational vessel' has the meaning given that term by section 2101(25) of title 46, United States Code.''.

(b) AMOUNT AND APPORTIONMENT OF RECOVERY.—Section 2(b) of that Act (46 U.S.C. App. 762(b)) is amended—

(1) by striking ''accident'' in paragraph (1) and inserting ''accident, or an accident involving a passenger on a vessel other than a recreational vessel or an individual on a recreational vessel (other than a member of the crew engaged in the business of the recreational vessel who has not contributed consideration for carriage and who is paid for on-board services),''; and

(2) by striking ''companionship.'' in paragraph (2) and inserting ''companionship, and the terms 'passenger' and 'recreational vessel' have the meaning given them by paragraphs (21) and (25), respectively, of section 2101 of title 46, United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to any death after November 22, 1995.

## TITLE IV—RENEWAL OF ADVISORY GROUPS

**SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting ''**Safety**'' in the heading after ''**Vessel**'';

(2) by inserting ''Safety''in subsection (a) after ''Vessel'';

(3) by striking ''Secretary'' in subsection (a)(1) and inserting ''Secretary, through the Commandant of the Coast Guard,'';

(4) by striking ''Secretary'' in subsection (a)(4) and inserting ''Commandant'';

(5) by striking the last sentence in subsection (b)(5);

(6) by striking ''Committee'' in subsection (c)(1) and inserting ''Committee, through the Commandant,'';

(7) by striking ''shall'' in subsection (c)(2) and inserting ''shall, through the Commandant,''; and

(8) by striking ''(5 U.S.C App. 1 et seq.)'' in subsection (e)(1)(I) and inserting ''(5 U.S.C. App.)''; and

(9) by striking ''of September 30, 2000'' and inserting ''on September 30, 2005''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

''4508. Commercial Fishing Industry Vessel Safety Advisory Committee''.

**SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.**

Section 18 of the Coast Guard Authorization Act of 1991 is amended—

(1) by striking ''operating (hereinafter in this part referred to as the 'Secretary')'' in the second sentence of subsection (a)(1) and inserting ''operating, through the Commandant of the Coast Guard,'';

(2) by striking ''Committee'' in the third sentence of subsection (a)(1) and inserting ''Committee, through the Commandant,'';

(3) by striking ''Secretary,'' in the second sentence of subsection (a)(2) and inserting ''Commandant,''; and

(4) by striking ''September 30, 2000.'' in subsection (h) and inserting ''September 30, 2005.''.

**SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.**

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended—

(1) by striking ''operating (hereinafter in this part referred to as the 'Secretary')'' in the second sentence of subsection (a)(1) and inserting ''operating, through the Commandant of the Coast Guard,'';

(2) by striking ''Committee'' in the third sentence of subsection (a)(1) and inserting ''Committee, through the Commandant,''; and

(3) by striking ''September 30, 2000'' in subsection (g) and inserting ''September 30, 2005''.

**SEC. 404. GREAT LAKES PILOTAGE ADVISORY COMMITTEE**

Section 9307 of title 46, United States Code, is amended—

(1) by striking ''Secretary'' in subsection (a)(1) and inserting ''Secretary, through the Commandant of the Coast Guard,'';

(2) by striking ''Secretary,'' in subsection (a)(4)(A) and inserting ''Commandant,'';

(3) by striking the last sentence of subsection (c)(2);

(4) by striking ''Committee'' in subsection (d)(1) and inserting ''Committee, through the Commandant,'';

(5) by striking ''Secretary'' in subsection (d)(2) and inserting ''Secretary, through the Commandant,''; and

(6) by striking ''September 30, 2003.'' in subsection (f)(1) and inserting ''September 30, 2005.''.

**SEC. 405. NAVIGATION SAFETY ADVISORY COUNCIL**

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking ''Secretary'' in the first sentence of subsection (b) and inserting ''Secretary, through the Commandant of the Coast Guard,'';

(2) by striking ''Secretary'' in the third sentence of subsection (b) and inserting ''Commandant''; and

(3) by striking ''September 30, 2000'' in subsection (d) and inserting ''September 30, 2005''.

**SEC. 406. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

Section 13110 of title 46, United States Code, is amended—

(1) by striking ''consult'' in subsection (c) and inserting ''consult, through the Commandant of the Coast Guard,''; and

(2) by striking ''September 30, 2000'' in subsection (e) and inserting ''September 30, 2005''.

**SEC. 407. TOWING SAFETY ADVISORY COMMITTEE.**

The Act entitled An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a) is amended—

(1) by striking ''Secretary'' in the second sentence of subsection (b) and inserting

''Secretary, through the Commandant of the Coast Guard'';

(2) by striking ''Secretary'' in the first sentence of subsection (c) and inserting ''Secretary, through the Commandant,'';

(3) by striking ''Committee'' in the third sentence of subsection (c) and inserting ''Committee, through the Commandant,'';

(3) by striking ''Secretary,'' in the fourth sentence of subsection (c) and inserting ''Commandant,''; and

(4) by striking ''September 30, 2000.''in subsection (e) and inserting ''September 30, 2005.''.

## TITLE V—MISCELLANEOUS.

### SEC. 501. COAST GUARD REPORT ON IMPLEMENTATION OF NTSB RECOMMENDATIONS.

The Commandant of the United States Coast Guard shall submit a written report to the Committee on Commerce, Science, and Transportation within 90 days after the date of enactment of this Act on what actions the Coast Guard has taken to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01. The report—

(1) shall describe in detail, by geographic region—

(A) what steps the Coast Guard is taking to fill gaps in its communications coverage;

(B) what progress the Coast Guard has made in installing direction-finding systems; and

(C) what progress the Coast Guard has made toward completing its national distress and response system modernization project; and

(2) include an assessment of the safety benefits that might reasonably be expected to result from increased or accelerated funding for—

(A) measures described in paragraph (1)(A); and

(B) the national distress and response system modernization project.

### SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of the General Services Administration may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States of America in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land. Since the Federal agency actions necessary to effectuate the transfer of the Naval Reserve Pier property will further the objectives of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), requirements applicable to agency actions under these and other environmental planning laws are unnecessary and shall not be required. The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) shall not apply to any building or property at the Naval Reserve Pier property.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) The Administrator, in consultation with the Commandant, may identify and describe the Leased Premises and rights of access including, but not limited to, those listed below, in order to allow the United States Coast Guard to operate and perform missions, from and upon the Leased Premises:

(A) the right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to United States Coast Guard vessels and performance of United States Coast Guard missions and other mission-related activities;

(B) the right to berth United States Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense;

(C) the right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes;

(D) the right to occupy up to 3,000 gross square feet at the Naval Reserve Pier Property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense;

(E) the right to occupy up to 1200 gross square feet of offsite storage in a location other than the Naval Reserve Pier Property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense; and

(F) the right for United States Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than thirty vehicles shall be located on the Naval Reserve Pier property.

(3) The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) The United States may not sublease the Leased Premises to a third party or use the Leased Premises for purposes other than fulfilling the missions of the United States Coast Guard and for other mission related activities.

(5) In the event that the United States Coast Guard ceases to use the Leased Premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier Property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the Leased Premises during the lease term, at the United States' sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTAINANCE OBLIGATIONS.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the Unites States to operate and maintain existing utility lines and related equipment, at the United States' sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier Property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the Leased Premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and

any such liability may not be modified or enlarged by this Act or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve Property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term ''aid to navigation'' means equipment used for navigational purposed, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term ''Corporation'' means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

**SEC. 503. TRANSFER OF COAST GUARD STATION SCITUATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) AUTHORITY TO TRANSFER.

(1) IN GENERAL.—The Administrator of the General Services Administration (Administrator), in consultation with the Commandant, United States Coast Guard, may transfer, without consideration, administrative jurisdiction, custody and control over the Federal property, known as Coast Guard Station Scituate, to the National Oceanic and Atmospheric Administration (NOAA). Since the Federal agency actions necessary to effectuate the administrative transfer of the property will further the objectives of the National Environmental Policy Act of 1969, P. L. 91-190 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966, P. L. 89-665 (16 U.S.C. 470 et seq.), procedures applicable to agency actions under these laws are unnecessary and shall not be required. Similarly, the Federal agency actions necessary to effectuate the transfer of the property will not be subject to the Stewart B. McKinney Homeless Assistance Act, P. L. 100-77 (42 U.S.C. 11301 et seq.).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant, may identify, describe, and determine the property to be transferred under this subsection.

(b) TERMS OF TRANSFER.—The transfer of the property shall be made subject to any conditions and reservations the Administrator and the Commandant consider necessary to ensure that

(1) the transfer of the property to NOAA is contingent upon the relocation of Coast Guard Station Scituate to a suitable site;

(2) there is reserved to the Coast Guard the right to remove, relocate, or replace any aid to navigation located upon, or install any aid to navigation upon, the property transferred under this section as may be necessary for navigational purposes; and

(3) the Coast Guard shall have the right to enter the property transferred under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation. The transfer of the property shall be made subject to the review and acceptance of the property by NOAA.

(c) RELOCATION OF STATION SCITUATE.—The Coast Guard may lease land, including unimproved or vacant land, for a term not to exceed 20 years, for the purpose of relocating Coast Guard Station Scituate. The Coast Guard may improve the land leased under paragraph (1) of this subsection.

**SEC. 504. HARBOR SAFETY COMMITTEES.**

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term ''harbor safety committee'' means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor and industry organizations, environmental groups, and public interest groups.

**SEC. 505. EXTENSION OF INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.**

Section 415(b)(2) of the Coast Guard Authorization Act of 1998 is amended by striking ''2002.'' and inserting ''2003.''.

**SEC. 506. LIGHTHOUSE CONVEYANCE.**

Nothwithstanding any other provision of law, the conveyance authorized by section 416(a)(1)(H) of Public Law 105-383 shall take place within 3 months after the date of enactment of this Act. Notwithstanding the previous sentence, the conveyance shall be subject to subsections (a)(2), (a)(3), (b), and (c) of section 416 of Public Law 105-383.

**SEC. 507. FORMER COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.**

Notwithstanding any other provision of law, and subject to the availability of funds appropriated specifically for the project, the Coast Guard is authorized to transfer funds in an amount not to exceed $200,000 and project management authority to the Traverse City Area Public School District for the purposes of demolition and removal of the structure commonly known as ''Building 402'' at former Coast Guard property located in Traverse City, Michigan, and associated site work. No such funds shall be transferred until the Coast Guard receives a detailed, fixed price estimate from the School District describing the nature and cost of the work to be performed, and the Coast Guard shall transfer only that amount of funds it and the School District consider necessary to complete the project.

**SEC. 508. CONVEYANCE OF COAST GUARD PROPERTY IN MIDDLETOWN, CALIFORNIA.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services (in this section referred to as the ''Administrator'') shall promptly convey to Lake County, California (in this section referred to as the ''County''), without consideration, all right, title, and interest of the United States (subject to subsection (c)) in and to the property described in subsection (b).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section.

(b) PROPERTY DESCRIBED.—

(1) IN GENERAL—The property referred to in subsection (a) is such portion of the Coast Guard Loran Station Middletown as has been reported to the General Services Administration to be excess property, consisting of approximately 733.43 acres, and is comprised of all or part of tracts A–101, A–102, A–104, A–105, A–106, A–107, A–108, and A–111.

(2) SURVEY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights-of-way reserved by the United States under subsection (c)(1), shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the County.

(c) CONDITIONS.—

(1) IN GENERAL.—In making the conveyance under subsection (a), the Administrator shall—

(A) reserve for the United States such existing rights-of-way for access and such easements as are necessary for continued operation of the loran station;

(B) preserve other existing easements for public roads and highways, public utilities, irrigation ditches, railroads, and pipelines; and

(C) impose such other restrictions on use of the property conveyed as are necessary to protect the continued operation of the loran station.

(2) FIREBREAKS AND FENCE.—(A) The Administrator may not convey any property under this section unless the County and the Commandant of the Coast Guard enter into an agreement with the Administrator under which the County is required, in accordance with design specifications and maintenance standards established by the Commandant—

(i) to establish and construct within 6 months after the date of the conveyance, and thereafter to maintain, firebreaks on the property to be conveyed; and

(ii) construct within 6 months after the date of conveyance, and thereafter maintain, a fence approved by the Commandant along the property line between the property conveyed and adjoining Coast Guard property.

(B) The agreement shall require that—

(i) the County shall pay all costs of establishment, construction, and maintenance of firebreaks under subparagraph (A)(i); and

(ii) the Commandant shall provide all materials needed to construct a fence under subparagraph (A)(ii), and the County shall pay all other costs of construction and maintenance of the fence.

(3) COVENANTS APPURTENANT.—The Administrator shall take actions necessary to render the requirement to establish, construct, and maintain firebreaks and a fence

under paragraph (2) and other requirements and conditions under paragraph (1), under the deed conveying the property to the County, covenants that run with the land for the benefit of land retained by the United States.

(d) REVERSIONARY INTEREST.—The real property conveyed pursuant to this section, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the County sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof;

(2) the County fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c);

(3) the County conducts any commercial activities at the property conveyed, or any part thereof, without approval of the Secretary; or

(4) at least 30 days before the reversion, the Administrator provides written notice to the owner that the property or any part thereof is needed for national security purposes.

## TITLE VI—JONES ACT WAIVERS

**SEC. 601. CERTIFICATES OF DOCUMENTATION.**

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) LOOKING GLASS, United States official number 925735.

(2) YANKEE, United States official number 1076210.

(3) LUCKY DOG, of St. Petersburg, Florida, State of Florida registration number FLZP7569E373.

(4) ENTERPRIZE, United States official number 1077571.

(5) M/V SANDPIPER, United States official number 1079439.

(6) FRITHA, United States official number 1085943.

(7) PUFFIN, United States official number 697029.

**SEC. 602. CERTIFICATE OF DOCUMENTATION FOR THE EAGLE.**

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), chapter 121 of title 46, United States Code, and section 1 of the Act of May 28, 1906 (46 U.S.C. App. 292), the Secretary of Transportation shall issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EAGLE, hull number BK—1754, United States official number 1091389 if the vessel is—

(1) owned by a State, a political subdivision of a State, or a public authority chartered by a State;

(2) if chartered, is chartered to a State, a political subdivision of a State, or a public authority chartered by a State;

(3) is operated only in conjunction with—

(A) scour jet operations; or

(B) dredging services adjacent to facilities owned by the State, political subdivision, or public authority; and

(4) is externally identified clearly as a vessel of that State, subdivision or authority.

## TITLE VII—CERTAIN ALASKAN CRUISE SHIP OPERATIONS

**SEC. 701. DISCHARGE OF UNTREATED SEWAGE.**

A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any untreated sewage.

**SEC. 702. DISCHARGE OF TREATED SEWAGE.**

(a) LIMIT ON DISCHARGES OF TREATED SEWAGE.—A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any treated sewage unless the cruise vessel is underway and is proceeding at not less than 4 knots.

(b) SUPPLEMENTAL RULEMAKING ON TREATED SEWAGE DISCHARGE.—Additional regulations governing the discharge of treated sewage may be promulgated taking into consideration any studies conducted by any agency of the United States, and recommendations made by the Cruise Ship Waste Disposal and Management Executive Steering Committee convened by the Alaska Department of Environmental Conservation.

**SEC. 703. DISCHARGES OF GRAYWATER.**

(a) LIMIT ON DISCHARGES OF GRAYWATER.—A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any graywater unless—

(1) the cruise vessel is underway and is proceeding at not less than four knots; and

(2) the cruise vessel's graywater system is tested on a frequency prescribed by the Secretary to verify that discharges of graywater do not contain chemicals used in the operation of the vessel (including photographic chemicals or dry cleaning solvents) present in an amount that would constitute a hazardous waste under part 261 of title 40, Code of Federal Regulations, (or any successor regulation).

(b) SUPPLEMENTAL RULEMAKING ON GRAYWATER DISCHARGES.—Additional regulations governing the discharge of graywater may be promulgated after taking into consideration any studies conducted by any agency of the United States, and recommendations made by the Cruise Ship Waste Disposal and Management Executive Steering Committee convened by the Alaska Department of Environmental Conservation.

**SEC. 704. INSPECTION REGIME.**

(a) IN GENERAL.—The Secretary shall incorporate into the commercial vessel examination program an inspection regime sufficient to verify that cruise vessels operating in the waters of the Alexander Archipelago are in full compliance with this title and any regulations issued thereunder, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), other applicable Federal laws and regulations, and all applicable international treaty requirements.

(b) MATTERS TO BE EXAMINED.—The inspection regime—

(1) shall include—

(A) examination of environmental compliance records and procedures; and

(B) inspection of the functionality and proper operation of installed equipment for pollution abatement and controls; and

(2) may include unannounced inspections of any aspect of cruise vessel operations or equipment pertinent to the verification under subsection (a) of this section.

**SEC. 705. STUDIES.**

Any agency of the United States undertaking a study of the environmental impact of cruise vessel discharges of sewage, treated sewage or graywater shall ensure that cruise vessel operators, other United States agencies with jurisdiction over cruise vessel operations, and affected coastal State governments are provided an opportunity to review and comment on such study prior to publication of the study, and shall ensure that such study, if used as a basis for a rulemaking governing the discharge or treatment of sewage, treated sewage or graywater by cruise vessels, is subjected to a scientific peer review process prior to the publication of the proposed rule.

**SEC. 706. CRIMINAL PENALTIES.**

A person who knowingly violates section 701, 702(a), or 703(a), or any regulation promulgated pursuant to section 702(b) or 703(b), commits a class D felony. In the discretion of the Court, an amount equal to not more than one-half of such fine may be paid to the person giving information leading to conviction.

**SEC. 707. CIVIL PENALTIES.**

(a) IN GENERAL.—A person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated section 701, 702(a), or 703(a), or any regulation promulgated pursuant to section 702(b) or 703(b), shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of the civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters as justice may require. An amount equal to not more than one-half of such penalties may be paid by the Secretary to the person giving information leading to the assessment of such penalties.

(b) ABATEMENT OF CIVIL PENALTIES; COLLECTION BY ATTORNEY GENERAL.—The Secretary may compromise, modify or remit, with or without conditions, any civil penalty which is subject to assessment or which has been assessed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

**SEC. 708. LIABILITY IN REM; DISTRICT COURT JURISDICTION.**

A vessel operated in violation of this title is liable in rem for any fine imposed under section 706 or civil penalty assessed under section 707, and may be proceeded against in the United States district court of any district in which the vessel may be found.

**SEC. 709. VESSEL CLEARANCE OR PERMITS; REFUSAL OR REVOCATION; BOND OR OTHER SURETY.**

If any vessel subject to this title, its owner, operator, or person in charge is liable for a fine or civil penalty under this title, or if reasonable cause exists to believe that the vessel, its owner, operator, or person in charge may be subject to a fine or a civil penalty under this title, the Secretary of the Treasury, upon the request of the Secretary, shall refuse or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91). Clearance may be granted upon the filing of a bond or other surety satisfactory to the Secretary.

**SEC. 710. REGULATIONS.**

The Secretary shall prescribe any regulations necessary to carry out the provisions of this title.

**SEC. 711. DEFINITIONS.**

In this title:

(1) Waters of the Alexander Archipelago.—The term ''waters of the Alexander Archipelago'' means all waters under the jurisdiction of the United States within Southeast Alaska and contained within an area defined by a line beginning at Cape Spencer Light and extending due south to Latitude 58°07'15'' North, Longitude 136°38'15'' West; thence along a line 3 nautical miles seaward of the territorial sea baseline to a point at the maritime border between the United States and Canada at Latitude 54°41'15'' North, Longitude 130°53'00'' West; thence following that border to Mount Fairweather; thence returning to Cape Spencer Light.

(2) Cruise vessel.—

(A) In general.—The term ''cruise vessel'' means a commercial passenger vessel of

greater than 10,000 gross tons, as measured under chapter 143 of title 46, United States Code, that does not regularly carry vehicles or other cargo.

(B) Exclusions.—The term ''cruise vessel'' does not include a vessel operated by the Federal Government or the government of a State.

(3) Graywater.—

(A) In general.—The term ''graywater'' means drainage from a dishwasher, shower, laundry, bath, washbasin, or drinking fountain.

(B) Exclusions.—The term ''graywater'' does not include drainage from a toilet, urinal, hospital, cargo or machinery space.

(4) Secretary.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(5) Sewage.—The term ''sewage'' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(6) Treated sewage.—The term 'treated sewage' means sewage processed through a properly operating and approved marine sanitation device meeting applicable regulatory standards and requirements.

## INTERCOUNTRY ADOPTION ACT OF 1999

## HELMS (AND OTHERS) AMENDMENT NO. 4023

Mr. CAMPBELL (for Mr. HELMS (for himself, Ms. LANDRIEU, Mr. ASHCROFT, Mr. CRAIG, Mr. JOHNSON, Mr. SMITH of Oregon, and Mrs. LINCOLN)) proposed an amendment to the bill (H.R. 2909) to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes; 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 ''Intercountry Adoption Act of 2000''.

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



**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress recognizes—

(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993), and

(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad,

and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.

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

(1) to provide for implementation by the United States of the Convention;

(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and

(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

**SEC. 3. DEFINITIONS.**

As used in this Act:

(1) ACCREDITED AGENCY.—The term ''accredited agency'' means an agency accredited under title II to provide adoption services in the United States in cases subject to the Convention.

(2) ACCREDITING ENTITY.—The term ''accrediting entity'' means an entity designated under section 202(a) to accredit agencies and approve persons under title II.

(3) ADOPTION SERVICE.—The term ''adoption service'' means—

(A) identifying a child for adoption and arranging an adoption;

(B) securing necessary consent to termination of parental rights and to adoption;

(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;

(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;

(E) post-placement monitoring of a case until final adoption; and

(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.

The term ''providing'', with respect to an adoption service, includes facilitating the provision of the service.

(4) AGENCY.—The term ''agency'' means any person other than an individual.

(5) APPROVED PERSON.—The term ''approved person'' means a person approved under title II to provide adoption services in the United States in cases subject to the Convention.

(6) ATTORNEY GENERAL.—Except as used in section 404, the term ''Attorney General'' means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

(7) CENTRAL AUTHORITY.—The term ''central authority'' means the entity designated as such by any Convention country under Article 6(1) of the Convention.

(8) CENTRAL AUTHORITY FUNCTION.—The term ''central authority function'' means any duty required to be carried out by a central authority under the Convention.

(9) CONVENTION.—The term ''Convention'' means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(10) CONVENTION ADOPTION.—The term ''Convention adoption'' means an adoption of a child resident in a foreign country party to the Convention by a United States citizen, or an adoption of a child resident in the United States by an individual residing in another Convention country.

(11) CONVENTION RECORD.—The term ''Convention record'' means any item, collection, or grouping of information contained in an electronic or physical document, an electronic collection of data, a photograph, an audio or video tape, or any other information storage medium of any type whatever that contains information about a specific past, current, or prospective Convention adoption (regardless of whether the adoption was made final) that has been preserved in accordance with section 401(a) by the Secretary of State or the Attorney General.

(12) CONVENTION COUNTRY.—The term ''Convention country'' means a country party to the Convention.

(13) OTHER CONVENTION COUNTRY.—The term ''other Convention country'' means a Convention country other than the United States.

(14) PERSON.—The term ''person'' shall have the meaning provided in section 1 of title 1, United States Code, and shall not include any agency of government or tribal government entity.

(15) PERSON WITH AN OWNERSHIP OR CONTROL INTEREST.—The term ''person with an ownership or control interest'' has the meaning given such term in section 1124(a)(3) of the Social Security Act (42 U.S.C. 1320a–3).

(16) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(17) STATE.—The term ''State'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

**TITLE I—UNITED STATES CENTRAL AUTHORITY**

**SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.**

(a) IN GENERAL.—For purposes of the Convention and this Act—

(1) the Department of State shall serve as the central authority of the United States; and

(2) the Secretary shall serve as the head of the central authority of the United States.

(b) PERFORMANCE OF CENTRAL AUTHORITY FUNCTIONS.—

(1) Except as otherwise provided in this Act, the Secretary shall be responsible for the performance of all central authority functions for the United States under the Convention and this Act.

(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children's Issues shall have a strong

background in consular affairs, personal experience in international adoptions, or professional experience in international adoptions or child services.

(c) AUTHORITY TO ISSUE REGULATIONS.—Except as otherwise provided in this Act, the Secretary may prescribe such regulations as may be necessary to carry out central authority functions on behalf of the United States.

**SEC. 102. RESPONSIBILITIES OF THE SECRETARY OF STATE.**

(a) LIAISON RESPONSIBILITIES.—The Secretary shall have responsibility for—

(1) liaison with the central authorities of other Convention countries; and

(2) the coordination of activities under the Convention by persons subject to the jurisdiction of the United States.

(b) INFORMATION EXCHANGE.—The Secretary shall be responsible for—

(1) providing the central authorities of other Convention countries with information concerning—

(A) accredited agencies and approved persons, agencies and persons whose accreditation or approval has been suspended or canceled, and agencies and persons who have been temporarily or permanently debarred from accreditation or approval;

(B) Federal and State laws relevant to implementing the Convention; and

(C) any other matters necessary and appropriate for implementation of the Convention;

(2) not later than the date of the entry into force of the Convention for the United States (pursuant to Article 46(2)(a) of the Convention) and at least once during each subsequent calendar year, providing to the central authority of all other Convention countries a notice requesting the central authority of each such country to specify any requirements of such country regarding adoption, including restrictions on the eligibility of persons to adopt, with respect to which information on the prospective adoptive parent or parents in the United States would be relevant;

(3) making responses to notices under paragraph (2) available to—

(A) accredited agencies and approved persons; and

(B) other persons or entities performing home studies under section 201(b)(1);

(4) ensuring the provision of a background report (home study) on prospective adoptive parent or parents (pursuant to the requirements of section 203(b)(1)(A)(ii)), through the central authority of each child's country of origin, to the court having jurisdiction over the adoption (or, in the case of a child emigrating to the United States for the purpose of adoption, to the competent authority in the child's country of origin with responsibility for approving the child's emigration) in adequate time to be considered prior to the granting of such adoption or approval;

(5) providing Federal agencies, State courts, and accredited agencies and approved persons with an identification of Convention countries and persons authorized to perform functions under the Convention in each such country; and

(6) facilitating the transmittal of other appropriate information to, and among, central authorities, Federal and State agencies (including State courts), and accredited agencies and approved persons.

(c) ACCREDITATION AND APPROVAL RESPONSIBILITIES.—The Secretary shall carry out the functions prescribed by the Convention with respect to the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention as provided in title II. Such functions may not be delegated to any other Federal agency.

(d) ADDITIONAL RESPONSIBILITIES.—The Secretary—

(1) shall monitor individual Convention adoption cases involving United States citizens; and

(2) may facilitate interactions between such citizens and officials of other Convention countries on matters relating to the Convention in any case in which an accredited agency or approved person is unwilling or unable to provide such facilitation.

(e) ESTABLISHMENT OF REGISTRY.—The Secretary and the Attorney General shall jointly establish a case registry of all adoptions involving immigration of children into the United States and emigration of children from the United States, regardless of whether the adoption occurs under the Convention. Such registry shall permit tracking of pending cases and retrieval of information on both pending and closed cases.

(f) METHODS OF PERFORMING RESPONSIBILITIES.—The Secretary may—

(1) authorize public or private entities to perform appropriate central authority functions for which the Secretary is responsible, pursuant to regulations or under agreements published in the Federal Register; and

(2) carry out central authority functions through grants to, or contracts with, any individual or public or private entity, except as may be otherwise specifically provided in this Act.

**SEC. 103. RESPONSIBILITIES OF THE ATTORNEY GENERAL.**

In addition to such other responsibilities as are specifically conferred upon the Attorney General by this Act, the central authority functions specified in Article 14 of the Convention (relating to the filing of applications by prospective adoptive parents to the central authority of their country of residence) shall be performed by the Attorney General.

**SEC. 104. ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.**

(a) REPORTS REQUIRED.—Beginning one year after the date of the entry into force of the Convention for the United States and each year thereafter, the Secretary, in consultation with the Attorney General and other appropriate agencies, shall submit a report describing the activities of the central authority of the United States under this Act during the preceding year to the Committee on International Relations, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall set forth with respect to the year concerned, the following:

(1) The number of intercountry adoptions involving immigration to the United States, regardless of whether the adoption occurred under the Convention, including the country from which each child emigrated, the State to which each child immigrated, and the country in which the adoption was finalized.

(2) The number of intercountry adoptions involving emigration from the United States, regardless of whether the adoption occurred under the Convention, including the country to which each child immigrated and the State from which each child emigrated.

(3) The number of Convention placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act, as amended by section 205 of this Act.

(4) The average time required for completion of a Convention adoption, set forth by country from which the child emigrated.

(5) The current list of agencies accredited and persons approved under this Act to provide adoption services.

(6) The names of the agencies and persons temporarily or permanently debarred under this Act, and the reasons for the debarment.

(7) The range of adoption fees charged in connection with Convention adoptions involving immigration to the United States and the median of such fees set forth by the country of origin.

(8) The range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention.

## TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

**SEC. 201. ACCREDITATION OR APPROVAL REQUIRED IN ORDER TO PROVIDE ADOPTION SERVICES IN CASES SUBJECT TO THE CONVENTION.**

(a) IN GENERAL.—Except as otherwise provided in this title, no person may offer or provide adoption services in connection with a Convention adoption in the United States unless that person—

(1) is accredited or approved in accordance with this title; or

(2) is providing such services through or under the supervision and responsibility of an accredited agency or approved person.

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

(1) BACKGROUND STUDIES AND HOME STUDIES.—The performance of a background study on a child or a home study on a prospective adoptive parent, or any report on any such study by a social work professional or organization who is not providing any other adoption service in the case, if the background or home study is approved by an accredited agency.

(2) CHILD WELFARE SERVICES.—The provision of a child welfare service by a person who is not providing any other adoption service in the case.

(3) LEGAL SERVICES.—The provision of legal services by a person who is not providing any adoption service in the case.

(4) PROSPECTIVE ADOPTIVE PARENTS ACTING ON OWN BEHALF.—The conduct of a prospective adoptive parent on his or her own behalf in the case, to the extent not prohibited by the law of the State in which the prospective adoptive parent resides.

**SEC. 202. PROCESS FOR ACCREDITATION AND APPROVAL; ROLE OF ACCREDITING ENTITIES.**

(a) DESIGNATION OF ACCREDITING ENTITIES.—

(1) IN GENERAL.—The Secretary shall enter into agreements with one or more qualified entities under which such entities will perform the duties described in subsection (b) in accordance with the Convention, this title, and the regulations prescribed under section 203, and upon entering into each such agreement shall designate the qualified entity as an accrediting entity.

(2) QUALIFIED ENTITIES.—In paragraph (1), the term ''qualified entity'' means—

(A) a nonprofit private entity that has expertise in developing and administering standards for entities providing child welfare services and that meets such other criteria as the Secretary may by regulation establish; or

(B) a public entity (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, that—

(i) has expertise in developing and administering standards for entities providing child welfare services;

(ii) accredits only agencies located in the State in which the public entity is located; and

(iii) meets such other criteria as the Secretary may by regulation establish.

(b) DUTIES OF ACCREDITING ENTITIES.—The duties described in this subsection are the following:

(1) ACCREDITATION AND APPROVAL.—Accreditation of agencies, and approval of persons, to provide adoption services in the United States in cases subject to the Convention.

(2) OVERSIGHT.—Ongoing monitoring of the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against such agencies and persons in accordance with procedures established by the accrediting entity and approved by the Secretary.

(3) ENFORCEMENT.—Taking of adverse actions (including requiring corrective action, imposing sanctions, and refusing to renew, suspending, or canceling accreditation or approval) for noncompliance with applicable requirements, and notifying the agency or person against whom adverse actions are taken of the deficiencies necessitating the adverse action.

(4) DATA, RECORDS, AND REPORTS.—Collection of data, maintenance of records, and reporting to the Secretary, the United States central authority, State courts, and other entities (including on persons and agencies granted or denied approval or accreditation), to the extent and in the manner that the Secretary requires.

(c) REMEDIES FOR ADVERSE ACTION BY ACCREDITING ENTITY.—

(1) CORRECTION OF DEFICIENCY.—An agency or person who is the subject of an adverse action by an accrediting entity may re-apply for accreditation or approval (or petition for termination of the adverse action) on demonstrating to the satisfaction of the accrediting entity that the deficiencies necessitating the adverse action have been corrected.

(2) NO OTHER ADMINISTRATIVE REVIEW.—An adverse action by an accrediting entity shall not be subject to administrative review.

(3) JUDICIAL REVIEW.—An agency or person who is the subject of an adverse action by an accrediting entity may petition the United States district court in the judicial district in which the agency is located or the person resides to set aside the adverse action. The court shall review the adverse action in accordance with section 706 of title 5, United States Code, and for purposes of such review the accrediting entity shall be considered an agency within the meaning of section 701 of such title.

(d) FEES.—The amount of fees assessed by accrediting entities for the costs of accreditation shall be subject to approval by the Secretary. Such fees may not exceed the costs of accreditation. In reviewing the level of such fees, the Secretary shall consider the relative size of, the geographic location of, and the number of Convention adoption cases managed by the agencies or persons subject to accreditation or approval by the accrediting entity.

**SEC. 203. STANDARDS AND PROCEDURES FOR PROVIDING ACCREDITATION OR APPROVAL.**

(a) IN GENERAL.—

(1) PROMULGATION OF REGULATIONS.—The Secretary, shall, by regulation, prescribe the standards and procedures to be used by accrediting entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention.

(2) CONSIDERATION OF VIEWS.—In developing such regulations, the Secretary shall consider any standards or procedures developed or proposed by, and the views of, individuals and entities with interest and expertise in international adoptions and family social services, including public and private entities with experience in licensing and accrediting adoption agencies.

(3) APPLICABILITY OF NOTICE AND COMMENT RULES.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) MINIMUM REQUIREMENTS.—

(1) ACCREDITATION.—The standards prescribed under subsection (a) shall include the requirement that accreditation of an agency may not be provided or continued under this title unless the agency meets the following requirements:

(A) SPECIFIC REQUIREMENTS.—

(i) The agency provides prospective adoptive parents of a child in a prospective Convention adoption a copy of the medical records of the child (which, to the fullest extent practicable, shall include an English-language translation of such records) on a date which is not later than the earlier of the date that is 2 weeks before (I) the adoption, or (II) the date on which the prospective parents travel to a foreign country to complete all procedures in such country relating to the adoption.

(ii) The agency ensures that a thorough background report (home study) on the prospective adoptive parent or parents has been completed in accordance with the Convention and with applicable Federal and State requirements and transmitted to the Attorney General with respect to each Convention adoption. Each such report shall include a criminal background check and a full and complete statement of all facts relevant to the eligibility of the prospective adopting parent or parents to adopt a child under any requirements specified by the central authority of the child's country of origin under section 102(b)(3), including, in the case of a child emigrating to the United States for the purpose of adoption, the requirements of the child's country of origin applicable to adoptions taking place in such country. For purposes of this clause, the term ''background report (home study)'' includes any supplemental statement submitted by the agency to the Attorney General for the purpose of providing information relevant to any requirements specified by the child's country of origin.

(iii) The agency provides prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(iv) The agency employs personnel providing intercountry adoption services on a fee for service basis rather than on a contingent fee basis.

(v) The agency discloses fully its policies and practices, the disruption rates of its placements for intercountry adoption, and all fees charged by such agency for intercountry adoption.

(B) CAPACITY TO PROVIDE ADOPTION SERVICES.—The agency has, directly or through arrangements with other persons, a sufficient number of appropriately trained and qualified personnel, sufficient financial resources, appropriate organizational structure, and appropriate procedures to enable the agency to provide, in accordance with this Act, all adoption services in cases subject to the Convention.

(C) USE OF SOCIAL SERVICE PROFESSIONALS.—The agency has established procedures designed to ensure that social service functions requiring the application of clinical skills and judgment are performed only by professionals with appropriate qualifications and credentials.

(D) RECORDS, REPORTS, AND INFORMATION MATTERS.—The agency is capable of—

(i) maintaining such records and making such reports as may be required by the Secretary, the United States central authority, and the accrediting entity that accredits the agency;

(ii) cooperating with reviews, inspections, and audits;

(iii) safeguarding sensitive individual information; and

(iv) complying with other requirements concerning information management necessary to ensure compliance with the Convention, this Act, and any other applicable law.

(E) LIABILITY INSURANCE.—The agency agrees to have in force adequate liability insurance for professional negligence and any other insurance that the Secretary considers appropriate.

(F) COMPLIANCE WITH APPLICABLE RULES.—The agency has established adequate measures to comply (and to ensure compliance of their agents and clients) with the Convention, this Act, and any other applicable law.

(G) NONPROFIT ORGANIZATION WITH STATE LICENSE TO PROVIDE ADOPTION SERVICES.—The agency is a private nonprofit organization licensed to provide adoption services in at least one State.

(2) APPROVAL.—The standards prescribed under subsection (a) shall include the requirement that a person shall not be approved under this title unless the person is a private for-profit entity that meets the requirements of subparagraphs (A) through (F) of paragraph (1) of this subsection.

(3) RENEWAL OF ACCREDITATION OR APPROVAL.—The standards prescribed under subsection (a) shall provide that the accreditation of an agency or approval of a person under this title shall be for a period of not less than 3 years and not more than 5 years, and may be renewed on a showing that the agency or person meets the requirements applicable to original accreditation or approval under this title.

(c) TEMPORARY REGISTRATION OF COMMUNITY BASED AGENCIES.—

(1) ONE-YEAR REGISTRATION PERIOD FOR MEDIUM COMMUNITY BASED AGENCIES.—For a 1-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(2) TWO-YEAR REGISTRATION PERIOD FOR SMALL COMMUNITY-BASED AGENCIES.—For a 2-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 50 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(3) CRITERIA FOR REGISTRATION.—Agencies registered under this subsection shall meet the following criteria:

(A) The agency is licensed in the State in which it is located and is a nonprofit agency.

(B) The agency has been providing adoption services in connection with intercountry adoptions for at least 3 years.

(C) The agency has demonstrated that it will be able to provide the United States Government with all information related to the elements described in section 104(b) and provides such information.

(D) The agency has initiated the process of becoming accredited under the provisions of this Act and is actively taking steps to become an accredited agency.

(E) The agency has not been found to be involved in any improper conduct relating to intercountry adoptions.

**SEC. 204. SECRETARIAL OVERSIGHT OF ACCREDITATION AND APPROVAL.**

(a) OVERSIGHT OF ACCREDITING ENTITIES.—The Secretary shall—

(1) monitor the performance by each accrediting entity of its duties under section 202 and its compliance with the requirements of the Convention, this Act, other applicable laws, and implementing regulations under this Act; and

(2) suspend or cancel the designation of an accrediting entity found to be substantially out of compliance with the Convention, this Act, other applicable laws, or implementing regulations under this Act.

(b) SUSPENSION OR CANCELLATION OF ACCREDITATION OR APPROVAL.—

(1) SECRETARY'S AUTHORITY.—The Secretary shall suspend or cancel the accreditation or approval granted by an accrediting entity to an agency or person pursuant to section 202 when the Secretary finds that—

(A) the agency or person is substantially out of compliance with applicable requirements; and

(B) the accrediting entity has failed or refused, after consultation with the Secretary, to take appropriate enforcement action.

(2) CORRECTION OF DEFICIENCY.—At any time when the Secretary is satisfied that the deficiencies on the basis of which an adverse action is taken under paragraph (1) have been corrected, the Secretary shall—

(A) notify the accrediting entity that the deficiencies have been corrected; and

(B)(i) in the case of a suspension, terminate the suspension; or

(ii) in the case of a cancellation, notify the agency or person that the agency or person may re-apply to the accrediting entity for accreditation or approval.

(c) DEBARMENT.—

(1) SECRETARY'S AUTHORITY.—On the initiative of the Secretary, or on request of an accrediting entity, the Secretary may temporarily or permanently debar an agency from accreditation or a person from approval under this title, but only if—

(A) there is substantial evidence that the agency or person is out of compliance with applicable requirements; and

(B) there has been a pattern of serious, willful, or grossly negligent failures to comply or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

(2) PERIOD OF DEBARMENT.—The Secretary's debarment order shall state whether the debarment is temporary or permanent. If the debarment is temporary, the Secretary shall specify a date, not earlier than 3 years after the date of the order, on or after which the agency or person may apply to the Secretary for withdrawal of the debarment.

(3) EFFECT OF DEBARMENT.—An accrediting entity may take into account the circumstances of the debarment of an agency or person that has been debarred pursuant to this subsection in considering any subsequent application of the agency or person, or of any other entity in which the agency or person has an ownership or control interest, for accreditation or approval under this title.

(d) JUDICIAL REVIEW.—A person (other than a prospective adoptive parent), an agency, or an accrediting entity who is the subject of a final action of suspension, cancellation, or debarment by the Secretary under this title may petition the United States District Court for the District of Columbia or the United States district court in the judicial district in which the person resides or the agency or accrediting entity is located to set aside the action. The court shall review the action in accordance with section 706 of title 5, United States Code.

(e) FAILURE TO ENSURE A FULL AND COMPLETE HOME STUDY.—

(1) IN GENERAL.—Willful, grossly negligent, or repeated failure to ensure the completion and transmission of a background report (home study) that fully complies with the requirements of section 203(b)(1)(A)(ii) shall constitute substantial noncompliance with applicable requirements.

(2) REGULATIONS.—Regulations promulgated under section 203 shall provide for—

(A) frequent and careful monitoring of compliance by agencies and approved persons with the requirements of section 203(b)(A)(ii); and

(B) consultation between the Secretary and the accrediting entity where an agency or person has engaged in substantial noncompliance with the requirements of section 203(b)(A)(ii), unless the accrediting entity has taken appropriate corrective action and the noncompliance has not recurred.

(3) REPEATED FAILURES TO COMPLY.—Repeated serious, willful, or grossly negligent failures to comply with the requirements of section 203(b)(1)(A)(ii) by an agency or person after consultation between Secretary and the accrediting entity with respect to previous noncompliance by such agency or person shall constitute a pattern of serious, willful, or grossly negligent failures to comply under subsection (c)(1)(B).

(4) FAILURE TO COMPLY WITH CERTAIN REQUIREMENTS.—A failure to comply with the requirements of section 203(b)(1)(A)(ii) shall constitute a serious failure to comply under subsection (c)(1)(B) unless it is shown by clear and convincing evidence that such noncompliance had neither the purpose nor the effect of determining the outcome of a decision or proceeding by a court or other competent authority in the United States or the child's country of origin.

**SEC. 205. STATE PLAN REQUIREMENT.**

Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking ''children.'' and inserting ''children;''; and

(3) by adding at the end the following new paragraphs:

''(13) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services; and

''(14) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution.''.

## TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

**SEC. 301. ADOPTIONS OF CHILDREN IMMIGRATING TO THE UNITED STATES.**

(a) LEGAL EFFECT OF CERTIFICATES ISSUED BY THE SECRETARY OF STATE.—

(1) ISSUANCE OF CERTIFICATES BY THE SECRETARY OF STATE.—The Secretary of State shall, with respect to each Convention adoption, issue a certificate to the adoptive citizen parent domiciled in the United States that the adoption has been granted or, in the case of a prospective adoptive citizen parent, that legal custody of the child has been granted to the citizen parent for purposes of emigration and adoption, pursuant to the Convention and this Act, if the Secretary of State—

(A) receives appropriate notification from the central authority of such child's country of origin; and

(B) has verified that the requirements of the Convention and this Act have been met with respect to the adoption.

(2) LEGAL EFFECT OF CERTIFICATES.—If appended to an original adoption decree, the certificate described in paragraph (1) shall be treated by Federal and State agencies, courts, and other public and private persons and entities as conclusive evidence of the facts certified therein and shall constitute the certification required by section 204(d)(2) of the Immigration and Nationality Act, as amended by this Act.

(b) LEGAL EFFECT OF CONVENTION ADOPTION FINALIZED IN ANOTHER CONVENTION COUNTRY.—A final adoption in another Convention country, certified by the Secretary of State pursuant to subsection (a) of this section or section 303(c), shall be recognized as a final valid adoption for purposes of all Federal, State, and local laws of the United States.

(c) CONDITION ON FINALIZATION OF CONVENTION ADOPTION BY STATE COURT.—In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) with respect to the adoption.

**SEC. 302. IMMIGRATION AND NATIONALITY ACT AMENDMENTS RELATING TO CHILDREN ADOPTED FROM CONVENTION COUNTRIES.**

(a) DEFINITION OF CHILD.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) by striking ''or'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; or''; and

(3) by adding after subparagraph (F) the following new subparagraph:

''(G) a child, under the age of sixteen at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age—

''(i) if—

''(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

''(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the

child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

''(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

''(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the biological parents has been terminated; and

''(V) in the case of a child who has not been adopted—

''(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

''(bb) the prospective adoptive parent or parents has or have complied with any preadoption requirements of the child's proposed residence; and

''(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.''.

(b) APPROVAL OF PETITIONS.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended—

(1) by striking ''(d)'' and inserting ''(d)(1)'';

(2) by striking ''section 101(b)(1)(F)'' and inserting ''subparagraph (F) or (G) of section 101(b)(1)''; and

(3) by adding at the end the following new paragraph:

''(2) Notwithstanding the provisions of subsections (a) and (b), no petition may be approved on behalf of a child defined in section 101(b)(1)(G) unless the Secretary of State has certified that the central authority of the child's country of origin has notified the United States central authority under the convention referred to in such section 101(b)(1)(G) that a United States citizen habitually resident in the United States has effected final adoption of the child, or has been granted custody of the child for the purpose of emigration and adoption, in accordance with such convention and the Intercountry Adoption Act of 2000.''.

(c) DEFINITION OF PARENT.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting ''and paragraph (1)(G)(i)'' after ''second proviso therein)''.

**SEC. 303. ADOPTIONS OF CHILDREN EMIGRATING FROM THE UNITED STATES.**

(a) DUTIES OF ACCREDITED AGENCY OR APPROVED PERSON.—In the case of a Convention adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency or approved person providing adoption services, or the prospective adoptive parent or parents acting on their own behalf (if permitted by the laws of such other Convention country in which they reside and the laws of the State in which the child resides), shall do the following:

(1) Ensure that, in accordance with the Convention—

(A) a background study on the child is completed;

(B) the accredited agency or approved person—

(i) has made reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents to adopt the child in the United States; and

(ii) despite such efforts, has not been able to place the child for adoption in the United States in a timely manner; and

(C) a determination is made that placement with the prospective adoptive parent or parents is in the best interests of the child.

(2) Furnish to the State court with jurisdiction over the case—

(A) documentation of the matters described in paragraph (1);

(B) a background report (home study) on the prospective adoptive parent or parents (including a criminal background check) prepared in accordance with the laws of the receiving country; and

(C) a declaration by the central authority (or other competent authority) of such other Convention country—

(i) that the child will be permitted to enter and reside permanently, or on the same basis as the adopting parent, in the receiving country; and

(ii) that the central authority (or other competent authority) of such other Convention country consents to the adoption, if such consent is necessary under the laws of such country for the adoption to become final.

(3) Furnish to the United States central authority—

(A) official copies of State court orders certifying the final adoption or grant of custody for the purpose of adoption;

(B) the information and documents described in paragraph (2), to the extent required by the United States central authority; and

(C) any other information concerning the case required by the United States central authority to perform the functions specified in subsection (c) or otherwise to carry out the duties of the United States central authority under the Convention.

(b) CONDITIONS ON STATE COURT ORDERS.—An order declaring an adoption to be final or granting custody for the purpose of adoption in a case described in subsection (a) shall not be entered unless the court—

(1) has received and verified to the extent the court may find necessary—

(A) the material described in subsection (a)(2); and

(B) satisfactory evidence that the requirements of Articles 4 and 15 through 21 of the Convention have been met; and

(2) has determined that the adoptive placement is in the best interests of the child.

(c) DUTIES OF THE SECRETARY OF STATE.—In a case described in subsection (a), the Secretary, on receipt and verification as necessary of the material and information described in subsection (a)(3), shall issue, as applicable, an official certification that the child has been adopted or a declaration that custody for purposes of adoption has been granted, in accordance with the Convention and this Act.

(d) FILING WITH REGISTRY REGARDING NONCONVENTION ADOPTIONS.—Accredited agencies, approved persons, and other persons, including governmental authorities, providing adoption services in an intercountry adoption not subject to the Convention that involves the emigration of a child from the United States shall file information required by regulations jointly issued by the Attorney General and the Secretary of State for purposes of implementing section 102(e).

## TITLE IV—ADMINISTRATION AND ENFORCEMENT

**SEC. 401. ACCESS TO CONVENTION RECORDS.**

(a) PRESERVATION OF CONVENTION RECORDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue regulations that establish procedures and requirements in accordance with the Convention and this section for the preservation of Convention records.

(2) APPLICABILITY OF NOTICE AND COMMENT RULES.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) ACCESS TO CONVENTION RECORDS.—

(1) PROHIBITION.—Except as provided in paragraph (2), the Secretary or the Attorney General may disclose a Convention record, and access to such a record may be provided in whole or in part, only if such record is maintained under the authority of the Immigration and Nationality Act and disclosure of, or access to, such record is permitted or required by applicable Federal law.

(2) EXCEPTION FOR ADMINISTRATION OF THE CONVENTION.—A Convention record may be disclosed, and access to such a record may be provided, in whole or in part, among the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention or this Act.

(3) PENALTIES FOR UNLAWFUL DISCLOSURE.—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.

(c) ACCESS TO NON-CONVENTION RECORDS.—Disclosure of, access to, and penalties for unlawful disclosure of, adoption records that are not Convention records, including records of adoption proceedings conducted in the United States, shall be governed by applicable State law.

**SEC. 402. DOCUMENTS OF OTHER CONVENTION COUNTRIES.**

Documents originating in any other Convention country and related to a Convention adoption case shall require no authentication in order to be admissible in any Federal, State, or local court in the United States, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.

**SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to agencies of the Federal Government implementing the Convention and the provisions of this Act.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) ASSESSMENT OF FEES.—

(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act with respect to intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be prescribed by regulation and shall not exceed the cost of such services.

(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services.

(3) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

(c) RESTRICTION.—No funds collected under the authority of this section may be made available to an accrediting entity to carry out the purposes of this Act.

**SEC. 404. ENFORCEMENT.**

(a) CIVIL PENALTIES.—Any person who—

(1) violates section 201;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2),

shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation.

(b) CIVIL ENFORCEMENT.—

(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) CRIMINAL PENALTIES.—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

**TITLE V—GENERAL PROVISIONS**

**SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.**

Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Such recognition shall include the specific effects described in Article 26 of the Convention.

**SEC. 502. SPECIAL RULES FOR CERTAIN CASES.**

(a) AUTHORITY TO ESTABLISH ALTERNATIVE PROCEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.—To the extent consistent with the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.

(2) NONDELEGATION.—The authority provided by paragraph (1) may not be delegated.

**SEC. 503. RELATIONSHIP TO OTHER LAWS.**

(a) PREEMPTION OF INCONSISTENT STATE LAW.—The Convention and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.

(b) APPLICABILITY OF THE INDIAN CHILD WELFARE ACT.—The Convention and this Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

(c) RELATIONSHIP TO OTHER LAWS.—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.

**SEC. 504. NO PRIVATE RIGHT OF ACTION.**

The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.

**SEC. 505. EFFECTIVE DATES; TRANSITION RULE.**

(a) EFFECTIVE DATES.—

(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.

(2) PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.

(b) TRANSITION RULE.—The Convention and this Act shall not apply—

(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or

(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

### BINGAMAN AMENDMENTS NOS. 4024–4025

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT NO. 4024

On page 47, line 18, before the period, insert the following: '': Provided, that in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff''.

AMENDMENT NO. 4025

On page 67, line 19, after ''expended.'' insert the following:

''*Provided*, That $5,000,000 shall be available to implement a program managed by the Carlsbad Area Office to alleviate the problems caused by rapid economic development along the United States-Mexico border, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology.''.

## FEDERAL REFORMULATED FUELS ACT OF 2000

### SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4026

(Ordered referred to the Committee on Environment and Public Works.)

Mr. SMITH of New Hampshire submitted the following amendment intended to be proposed by him to the bill (S. 2962) to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. ___. COMPETITIVE ALTERNATIVE FUEL PROGRAM.**

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

''(o) COMPETITIVE ALTERNATIVE FUEL PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) BIN 1 VEHICLE.—The term 'bin 1 vehicle' means—

''(i) a light-duty motor vehicle that does not exceed the standards for bin no. 1 specified in table S04–1 of section 86.1811–04 of title 40, Code of Federal Regulations (published at 65 Fed. Reg. 6855 on February 10, 2000); and

''(ii) a heavy-duty motor vehicle that does not exceed standards equivalent to the standards described in clause (i), as determined by the Administrator by regulation.

''(B) BIN 2 VEHICLE.—The term 'bin 2 vehicle' means—

''(i) a light-duty motor vehicle that does not exceed the standards for bin no. 2 specified in table S04–1 of section 86.1811–04 of title 40, Code of Federal Regulations (published at 65 Fed. Reg. 6855 on February 10, 2000); and

''(ii) a heavy-duty motor vehicle that emits not more than 50 percent of the allowable emissions of air pollutants under the most stringent standards applicable to heavy-duty motor vehicles, as determined by the Administrator by regulation.

''(C) BIOMASS ETHANOL.—The term 'biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

''(i) dedicated energy crops and trees;

''(ii) wood and wood residues;

''(iii) plants;

''(iv) grasses;

''(v) agricultural commodities and residues;

''(vi) fibers;

''(vii) animal wastes and other waste materials; and

''(viii) municipal solid waste.

''(D) CLEAN ALTERNATIVE FUEL.—The term 'clean alternative fuel' means—

''(i) renewable fuel;

''(ii) credit for motor vehicle fuel used to operate a bin 1 vehicle, as generated under paragraph (5)(A)(ii); and

''(iii) credit for motor vehicle fuel used to operate a bin 2 vehicle, as generated under paragraph (5)(A)(ii).

''(E) RENEWABLE FUEL.—

''(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

''(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

''(bb) is natural gas produced from a biogas source, including a landfill, sewage waste

treatment plant, feedlot, or other place where decaying organic material is found; and

''(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

''(ii) INCLUSION.—The term 'renewable fuel' includes biomass ethanol.

''(2) COMPETITIVE ALTERNATIVE FUEL PROGRAM.—

''(A) CLEAN ALTERNATIVE FUEL REQUIREMENTS.—The motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2008 or any calendar year thereafter by a refiner, blender, or importer shall, on a 6-month average basis, be comprised of a quantity of clean alternative fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that is not less than the applicable percentage by volume for the 6-month period.

''(B) APPLICABLE PERCENTAGE.—For the purposes of subparagraph (A), the applicable percentage for a 6-month period of a calendar year shall be determined in accordance with the following table:

| ''Calendar year: | Applicable percentage of clean alternative fuel: |
|---|---|
| 2008 | 1.2 |
| 2009 | 1.3 |
| 2010 | 1.4 |
| 2011 and thereafter | 1.5. |

''(3) TRANSITION PROGRAM.—

''(A) RENEWABLE FUEL REQUIREMENTS.—

''(i) IN GENERAL.—Subject to subparagraph (B), all motor vehicle fuel sold or introduced into commerce in the United States in any of calendar years 2002 through 2007 by a refiner, blender, or importer shall contain, on a 6-month average basis, a quantity of renewable fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that is not less than the applicable percentage by volume for the 6-month period.

''(ii) APPLICABLE PERCENTAGE.—For the purposes of clause (i), the applicable percentage for a 6-month period of a calendar year shall be determined in accordance with the following table:

| ''Calendar year: | Applicable percentage of renewable fuel: |
|---|---|
| 2002 | 0.6 |
| 2003 | 0.7 |
| 2004 | 0.8 |
| 2005 | 0.9 |
| 2006 | 1.0 |
| 2007 | 1.1. |

''(B) CREDIT FOR MOTOR VEHICLE FUEL USED TO OPERATE BIN 1 VEHICLES OR BIN 2 VEHICLES.—Credit for motor vehicle fuel used to operate bin 1 vehicles or bin 2 vehicles, as generated under paragraph (5)(A)(ii), may be used to meet not more than 10 percent of the renewable fuel requirement under subparagraph (A).

''(4) BIOMASS ETHANOL.—For the purposes of paragraphs (2) and (3), 1 gallon of biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel.

''(5) CREDIT PROGRAM.—

''(A) IN GENERAL.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by—

''(i) a person that refines, blends, or imports motor vehicle fuel that contains, on a 6-month average basis, a quantity of clean alternative fuel or renewable fuel that is greater than the quantity required for that 6-month period under paragraph (2) or (3), respectively; and

''(ii) a person that manufactures bin 1 vehicles or bin 2 vehicles.

''(B) CALCULATION OF CREDITS.—In determining the appropriate amount of credits generated by a vehicle manufacturer under subparagraph (A)(ii), the Administrator, in consultation with the Secretary of Energy, shall give priority to the extent to which bin 1 vehicles or bin 2 vehicles, as compared to vehicles that are not bin 1 vehicles or bin 2 vehicles but are similar in size, weight, and other appropriate factors—

''(i) use innovative or advanced technology;

''(ii) result in less petroleum consumption; and

''(iii) are efficient in their use of petroleum or other form of energy.

''(C) USE OF CREDITS.—

''(i) IN GENERAL.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2) or (3).

''(ii) USE OF VEHICLE MANUFACTURER CREDITS TO PROVIDE NON-FEDERAL CONTRIBUTIONS UNDER OTHER LAW.—Credits generated under subparagraph (A)(ii) and transferred to a person, nonprofit entity, or local government may be used to provide any portion of—

''(I) the non-Federal share required for an alternative fuel project under section 149(e)(4) of title 23, United States Code; or

''(II) a voluntary supply commitment under section 505 of the Energy Policy Act of 1992 (42 U.S.C. 13255).

''(D) EXPIRATION OF CREDITS.—A credit generated under this paragraph shall expire 1 year after the date on which the credit was generated.

''(6) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) or (3) in whole or in part on petition by a State—

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirements would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirements.

''(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—

''(i) shall approve or deny a State petition for a waiver of the requirements of paragraph (2) or (3) within 180 days after the date on which the petition is received; but

''(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

''(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

''(D) OXYGEN CONTENT WAIVERS.—The grant or denial of a waiver under subsection (k)(2)(B) shall not affect the requirements of this subsection.

''(7) SMALL REFINERS.—The Administrator may provide an exemption from the requirements of paragraph (2) or (3), in whole or in part, for small refiners (as defined by the Administrator).

''(8) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to carry out this subsection.''.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''or (n)'' each place it appears and inserting ''(n), or (o)''; and

(B) in the second sentence, by striking ''or (m)'' and inserting ''(m), or (o)''; and

(2) in the first sentence of paragraph (2), by striking ''and (n)'' each place it appears and inserting ''(n), and (o)''.

## TRAFFICKING VICTIMS PROTECTION ACT OF 2000

### BROWNBACK (AND WELLSTONE) AMENDMENT NO. 4027)

Mr. HATCH (for Mr. BROWNBACK (for himself, and Mr. WELLSTONE)) proposed an amendment to the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; 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 ''Trafficking Victims Protection Act of 2000''.

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



**SEC. 2. PURPOSES AND FINDINGS.**

(a) PURPOSES.—The purposes of this Act are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) FINDINGS.—Congress finds that:

(1) As we begin the 21st century, the degrading institution of slavery continues throughout the world. Sex trafficking is a modern day form of slavery and it is the largest manifestation of slavery today. Millions of people every year, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor, and involves significant violations of minimal labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, lack of access to education, chronic unemployment, discrimination, and lack of viable economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including different countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should they escape or attempt to escape. Such threats can have the same coercive effects on victims as actual infliction of harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking often is aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape, when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risk. Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons involving slavery-like labor practices substantially affects interstate and foreign commerce. The United States must take action to eradicate the substantial burdens on commerce that result from trafficking in persons and to prevent the channels of commerce from being used for immoral and injurious purposes.

(13) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking into the sex industry are often punished under laws that also apply to lesser offenses such as consensual sexual activity and illegal immigration, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components are not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers. Additionally, adequate services and facilities do not exist to meet the needs of health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, such as for having used false documents, entering the country without documentation, or working without documentation.

(19) Victims of trafficking often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes. This is because they are frequently unfamiliar with the laws, culture, and language of the countries into which they are trafficked. Also, they are often subjected to coercion, intimidation, physical detention, debt bondage, and fear of forcible removal to countries where they face hardship.

(20) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(21) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

(22) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(23) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion. In United States v. Kozminski, 487 U.S. 950 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to only criminalize servitude coerced through force, threats of force, or threats of legal coercion.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) COERCION.—The term ''coercion'' means—

(A) acts or circumstances not necessarily including physical force but intended to have the same effect; or

(B) any act, scheme, plan, or pattern intended to cause a person to believe that failure to perform an act will result in the infliction of serious harm.

(3) COMMERCIAL SEX ACT.—The term ''commercial sex act'' means any sex act whereby anything of value is given to or received by any person.

(4) DEBT BONDAGE.—The term ''debt bondage'' means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(5) INVOLUNTARY SERVITUDE.—The term ''involuntary servitude'' includes a condition of servitude induced by means of—

(A) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

(B) the abuse or threatened abuse of the legal process.

(6) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—The term ''minimum standards for the elimination of trafficking'' means the standards set forth in section 8.

(7) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term ''severe forms of trafficking in persons'' means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force,

fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(8) SEX TRAFFICKING.—The term ''sex trafficking'' means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(9) STATE.—The term ''State'' means any of the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(10) UNITED STATES.—The term ''United States'' means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(11) VICTIM OF TRAFFICKING.—The term ''victim of trafficking'' means a person subjected to an act or practice described in paragraph (7) or (8).

(12) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term ''victim of a severe form of trafficking'' means a person subject to an act or practice described in paragraph (7).

**SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.**

The Secretary of State, with the assistance of the Assistant Secretary of Democracy, Human Rights and Labor, shall, as part of the annual Country Reports on Human Rights Practices, include information on the status of trafficking in persons, including the following information:

(1) A description of the nature and extent of severe forms of trafficking in persons in each country.

(2) An assessment of the efforts by the governments described in paragraph (1) to combat severe forms of trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in such trafficking;

(B) which governmental authorities are involved in activities to combat such trafficking;

(C) what steps the government has taken against its officials who participate in, facilitate, or condone such trafficking;

(D) what steps the government has taken to investigate and prosecute officials who participate in or facilitate such trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking;

(F) what steps the government has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government—

(i) is cooperating with governments of other countries to extradite traffickers when requested;

(ii) is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat trafficking;

(iii) refrains from prosecuting victims of severe forms of trafficking and from other discriminatory treatment of such victims due to such victims having been trafficked, or due to their having left or entered the country illegally; and

(iv) recognizes the rights of victims and ensures their access to justice.

(3) Information described in paragraph (2) and, where appropriate, in paragraph (3) shall be included in the annual Country Reports on Human Rights Practices on a country-by-country basis.

(4) In addition to the information described in this section, the Annual Country Reports on Human Rights Practices may contain such other information relating to trafficking in persons as the Secretary determines to be appropriate.

**SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.**

(a) ESTABLISHMENT.—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking (in this Act referred to as the ''Task Force'').

(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Secretary of State.

(d) SUPPORT FOR THE TASK FORCE.—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may have additional responsibilities as determined by the Secretary. The Director shall consult with domestic, international nongovernmental organizations, and multilateral organizations, including the Organization of American States, the Organization for Security and Cooperation in Europe, and the United Nations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The Office is authorized to retain staff members from agencies represented on the Task Force.

(e) ACTIVITIES OF THE TASK FORCE.—In consultation with nongovernmental organizations, the Task Force shall carry out the following activities:

(1) Coordinate the implementation of this Act.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. Beginning in 2002, not later than June 1 of each year, identify and publish the names of those countries which do not meet the minimum standards set forth in section 8.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international ''sex tourism'' industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in advocacy, with governmental and nongovernmental organizations, among other entities, to advance the purposes of this Act.

(f) INTERIM REPORTS.—In addition to the list provided under subsection (e)(2), the Secretary of State, in the capacity as chair of the Interagency Task Force, may submit to the appropriate congressional committees one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments have come into or out of compliance with the minimum standards for the elimination of trafficking since the transmission of the last annual report.

**SEC. 6. PREVENTION OF TRAFFICKING.**

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.—The President, acting through the Administrator of the United States Agency for International Development and the heads of other appropriate agencies, shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women's participation in economic decisionmaking;

(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate children, women, and men who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) PUBLIC AWARENESS AND INFORMATION.—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) CONSULTATION REQUIREMENT.—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (b).

**SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.**

(a) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Inter-Agency Task Force to Monitor and Combat Trafficking established under section 5.

(2) ADDITIONAL REQUIREMENT.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the

United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking including stateless victims.

(b) VICTIMS IN THE UNITED STATES.—

(1) ASSISTANCE.—Subject to the availability of appropriations and notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the heads of other Federal agencies, and the Board of Directors of the Legal Services Corporation shall expand existing services to provide assistance to victims of severe forms of trafficking in persons within the United States, without regard to the immigration status of such victims.

(2) GRANTS.—

(A) Subject to the availability of appropriations, the Attorney General may make grants to States, territories, and possessions of the United States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) Of amounts made available for grants under this paragraph, there shall be set aside 3 percent for research, evaluation and statistics; 2 percent for training and technical assistance; and 1 percent for management and administration.

(C) The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(c) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—

(A) not be detained in facilities inappropriate to their status as crime victims;

(B) receive necessary medical care and other assistance; and

(C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(2) Victims of severe forms of trafficking shall have access to information about their rights and translation services.

(3) Federal law enforcement officials may act to permit an alien individual's continued presence in the United States, if after an assessment, it is determined that such individual is a victim of trafficking and a potential witness, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals and reprisals from traffickers and their associates.

(4) Appropriate personnel of the Department of State and the Department of Justice are trained in identifying victims of severe forms of trafficking and providing for the protection of such victims.

(d) CONSTRUCTION.—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.

(e) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking ''or'' at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(T)(i) subject to subsection (m), an alien who the Attorney General determines—

''(I) is or has been a victim of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000,

''(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto on account of such trafficking,

''(III)(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

''(bb) has not attained the age of 14 years, and

''(IV) the alien would suffer extreme hardship upon removal from the United States,

except that no person shall be eligible for admission to the United States under this subparagraph if there is substantial reason to believe that the person has committed an act of a severe form of trafficking in persons, as defined in section 3 of the Trafficking Victims Protection Act of 2000; and

''(ii) if the Attorney General considers it necessary to avoid extreme hardship—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, and parents of such alien; and

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the minor children of such alien,

if accompanying, or following to join, the alien described in clause (i).

(2) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO ''T'' VISA NONIMMIGRANTS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following new subsection:

''(i) With respect to nonimmigrant aliens described in subsection (a)(15)(T)(i)—

''(1) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations that would advise the aliens regarding their options while in the United States and the resources available to them; and

''(2) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, grant the aliens authorization to engage in employment in the United States and provide the aliens with an 'employment authorized' endorsement or other appropriate work permit.''.

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following new paragraph:

''(13) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T)(i). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T)(i), if the Attorney General considers it to be in the national interest to do so. Nothing in this section shall be regarded as prohibiting the Attorney General from instituting removal proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) for material nontrafficking related conduct committed after the alien's admission into the United States, or for material nontrafficking related conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 101(a)(15)(T)(i).''.

(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of such Act (8 U.S.C 1255) is amended by adding at the end the following new subsection:

''(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

''(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),

''(B) has, throughout such period, been a person of good moral character, and

''(C)(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

''(ii) the alien would suffer extreme hardship upon removal from the United States,

the Attorney General may adjust the status of the alien (and any other alien admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

''(3) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.''.

**SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.**

(a) MINIMUM STANDARDS.—For purposes of this Act, the minimum standards for the elimination of trafficking for a country that is a country of origin, transit, or destination for a significant number of victims are the following standards:

(1) The country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the country should prescribe punishment commensurate with that for the most serious crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the country should prescribe punishment which is sufficiently stringent to deter and which adequately reflects the heinous nature of the offense.

(4) The country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) CRITERIA.—In determinations of whether a country is making serious and sustained efforts under subsection (a)(4), the following factors should be considered as indicia of a good faith effort to eliminate severe forms of trafficking in persons:

(1) Whether the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the country cooperates with other countries in the investigation and prosecution of severe forms of trafficking in persons.

(3) Whether the country extradites persons charged with acts of severe forms of trafficking in persons on the same terms and to the same extent as persons charged with other serious crimes.

(4) Whether the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner which is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave and return to one's own country.

(5) Whether the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provision for legal alternatives to their removal to countries in which they would face retribution or other hardship.

(6) Whether the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.

**SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.**

The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance to foreign countries directly, or through nongovernmental, intergovernmental and multilateral organizations, for programs and activities designed to meet the minimum international standards for the elimination of trafficking, including drafting of legislation to prohibit and punish acts of trafficking, the investigation and prosecution of traffickers, the creation and maintenance of facilities, programs, and activities for the protection of victims, and the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.

**SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.**

(a) AUTHORITY TO IMPOSE SANCTIONS.—The President may impose any of the measures described in subsection (b) against any foreign country to which the minimum standards for the elimination of trafficking under section 8 are applicable and which do not meet such standards. The President shall exercise the authority of this subsection so as to avoid adverse effects on vulnerable populations, including women and children.

(b) SANCTIONS THAT MAY BE IMPOSED.—The measures described in this subsection are the following:

(1) FOREIGN ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the President may deny to the country assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government. The President may exercise the authority of this subparagraph with respect to all foreign assistance to a country or with respect to any specific programs, projects, or activities.

(B) EXCEPTION.—Subparagraph (A) shall not apply to assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any successor provision of law, or the Arms Export Control Act (22 U.S.C. 2751 et seq.) that is intended to benefit the people of that country directly and that is not channeled through governmental agencies or entities of that country.

(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—

(A) IN GENERAL.—The President may instruct the United States Executive Director to each international financial institution described in subparagraph (B) to use the voice and vote of the United States to oppose any loan or financial or technical assistance to the country by such international financial institution.

(B) INTERNATIONAL FINANCIAL INSTITUTIONS DESCRIBED.—The international financial institutions described in this subparagraph are the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund.

(3) PROHIBITION OF ARMS SALES.—The President may prohibit the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778), to the country or any national of the country.

(4) EXPORT RESTRICTIONS.—The President may prohibit or otherwise substantially restrict exports to the country of goods, technology, and services (excluding agricultural commodities and products otherwise subject to control) and may suspend existing licenses for the transfer to that person of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations.

(c) REPORT TO CONGRESS.—Upon exercising the authority of subsection (a), the President shall submit a report to Congress on the measures applied under this section and the reasons for the application of the measures.

**SEC. 11. ACTIONS AGAINST TRAFFICKERS IN PERSONS.**

(a) AUTHORITY TO SANCTION TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—The President may exercise IEEPA authorities (other than authorities relating to importation) without regard to section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) in the case of any foreign person who is on the list described in subsection (b).

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under paragraph (1).

(3) IEEPA AUTHORITIES.—For purposes of clause (i), the term ''IEEPA authorities'' means the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)).

(b) LIST OF TRAFFICKERS OF PERSONS.—

(1) COMPILING LIST OF TRAFFICKERS IN PERSONS.—The Secretary of State is authorized to compile a list of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States or any of its territories or possessions.

(B) Foreign persons who materially assist in, or provide financial or technological support for or to, or providing goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker so identified pursuant to subparagraph (A).

(2) REVISIONS TO LIST.—The Secretary of State shall make additions or deletions to any list compiled under paragraph (1) on an ongoing basis based on the latest information available.

(3) CONSULTATION.—The Secretary of State shall consult with the following officers in carrying out paragraphs (1) and (2).

(A) The Attorney General.

(B) The Director of Central Intelligence.

(C) The Director of the Federal Bureau of Investigation.

(D) The Secretary of Labor.

(E) The Secretary of Health and Human Services.

(4) PUBLICATION OF LIST.—Upon compiling the list referred to in paragraph (1) and within 30 days of any revisions to such list, the Secretary of State shall submit the list or revisions to such list to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on Foreign Relations, the Judiciary, and the Select Committee on Intelligence of the Senate; and publish the list or revisions to such list in the Federal Register after such persons on the list have admitted, been convicted, or been formally found to have participated in the acts described in paragraph (1) (A), (B), and (C).

(c) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF TRAFFICKERS IN PERSONS.—Upon exercising the authority of subsection (a), the President shall submit a report to the Committees on the International Relations and the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committees on Foreign Relations and the Judiciary, and the Select Committee on Intelligence of the Senate—

(1) identifying publicly the foreign persons from the list published under subsection (b)(4) that the President determines are appropriate for sanctions pursuant to this section; and

(2) detailing publicly the sanctions imposed pursuant to this section.

(d) EXCLUSION OF CERTAIN INFORMATION.—

(1) INTELLIGENCE.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the identity of any person, if the Director of Central Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) LAW ENFORCEMENT.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the name of any person if the Attorney General, in coordination as appropriate with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected to—

(A) compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) endanger the life or physical safety of any person; or

(D) cause substantial harm to physical property.

(3) NOTIFICATION REQUIRED.—(A) Whenever either the Director of Central Intelligence or the Attorney General makes a determination

under this subsection, the Director of Central Intelligence or the Attorney General shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and explain the reasons for such determination.

(B) The notification required under this paragraph shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate not later than July 1, 2001, and on an annual basis thereafter.

(e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States or the law enforcement activities of any State or subdivision thereof.

(f) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following new subparagraph:

''(H) TRAFFICKERS IN PERSONS.—Any alien who—

''(i) is on the most recent list of traffickers provided in section 11 of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 3 of such Act; or

''(ii) who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.''.

(g) IMPLEMENTATION.—

(1) The Secretary of State, the Attorney General, and the Secretary of the Treasury are authorized to take such actions as may be necessary to carry out this section, including promulgating rules and regulations permitted under this Act.

(2)(A) Subject to subparagraph (B), such rules and regulations shall require that a reasonable effort be made to provide notice and an opportunity to be heard, in person or through a representative, prior to placement of a person on the list described in subsection (b).

(B) If there is reasonable cause to believe that such a person would take actions to undermine the ability of the President to exercise the authority provided under subsection (a), such notice and opportunity to be heard shall be provided as soon as practicable after the placement of the person on the list described in subsection (b).

(h) DEFINITION OF FOREIGN PERSONS.—As used in this section, the term ''foreign person'' means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(i) CONSTRUCTION.—Nothing in this section shall be construed as precluding judicial review of the placement of any person on the list of traffickers in person described in subsection (b).

**SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.**

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking ''10 years'' and inserting ''20 years''; and

(B) by adding at the end the following: ''If death results from a violation of this section, or if such violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.'';

(2) in section 1584—

(A) by inserting ''(a)'' before ''Whoever''; and

(B) by adding at the end the following new subsection:

''(b) For the purposes of this section, the term 'involuntary servitude' includes a condition of servitude induced by means of—

''(1) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

''(2) the abuse or threatened abuse of the legal process.'';

(3) by inserting at the end the following new sections:

**''§ 1589. Trafficking with respect to peonage, slavery, or involuntary servitude**

''Whoever knowingly recruits, harbors, transports, provides, or obtains by any means any person in or into a condition that constitutes a violation of this chapter for the purpose of subjecting the person to or maintaining the person in such condition shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if under this section the defendant's acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

**''§ 1590. Sex trafficking of children or by force, fraud, or coercion**

''(a) IN GENERAL.—Whoever knowingly—

''(1) recruits, harbors, transports, provides, or obtains by any means a person; or

''(2) benefits, financially or otherwise, from an enterprise in which a person has been recruited, harbored, transported, provided, or obtained in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

''(b) PUNISHMENT.—An offense under subsection (a) is punishable—

''(1) if the offense was effected by force, fraud, or coercion, or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

''(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

''(c) DEFINITION.—In this section:

''(1) COERCION.—The term 'coercion' includes—

''(A) any act, scheme, plan, or pattern intended to cause a person to believe that if the person did not engage in a commercial sex act, that person or another person would suffer serious harm or physical restraint, and

''(B) the abuse or threatened abuse of law or the legal process.

''(2) COMMERCIAL SEX ACT.—The term 'commercial sex act' means any sex act, in or affecting interstate or foreign commerce, on account of which anything of value is given to or received by any person, and—

''(A) which takes place in the United States; or

''(B) in which either the person who caused or is expected to participate in the act or the person committing the violation is a United States citizen or an alien admitted for permanent residence in the United States.

**''§ 1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude**

''Whoever, without lawful authority, knowingly and willfully destroys, conceals, removes, confiscates, or possesses any identification, passport, or other immigration document, or any other documentation of another person—

''(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or a conspiracy or attempt to commit such a violation,

''(2) to prevent or restrict the person's liberty to move or travel in order to obtain or maintain the labor or services of another, or

''(3) in the course of the unlawful entry or attempted unlawful entry of a person into the United States, in order to obtain or maintain the labor or services of another,

shall be fined under this title or imprisoned for not more than 5 years, or both.

**''§ 1592. Mandatory restitution**

''(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

''(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

''(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

''(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

''(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

**''§ 1593. General provisions**

''(a) An attempt or conspiracy to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

''(b)(1) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

''(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 7(e) of the Trafficking Victims Protection Act of 2000.

''(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(A) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

''(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

''(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

''(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).''; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

''1589. Trafficking with respect to peonage, slavery, or involuntary servitude.
''1590. Sex trafficking of children or by force, fraud, or coercion.
''1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude.
''1592. Mandatory restitution.
''1593. General provisions.''.

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

**SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE INTERAGENCY TASK FORCE.—To carry out the purposes of sections 4, 5, and 10, there are authorized to be appropriated to the Secretary of State $1,500,000 for fiscal year 2001 and $3,000,000 for fiscal year 2002.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 7(b), there are authorized to be appropriated to the Secretary of Health and Human Services $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.—

(1) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—To carry out the purposes of section 7(a), there are authorized to be appropriated to the Secretary of State $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To carry out the purposes of section 9, there are authorized to be appropriated to the Secretary of State $300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for fiscal year 2001.

(3) PREPARATION OF ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS.—To carry out the purposes of section 4, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices, including the preparation and publication of the list described in subsection (a)(1) of that section.

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 7(b), there are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—

(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 6, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—To carry out the purposes of section 9, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—To carry out the purposes of section 7(b), there are authorized to be appropriated to the Secretary of Labor $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

---

## HATCH AMENDMENT NO. 4028

Mr. HATCH proposed an amendment to amendment No. 4027, previously proposed by Mr. HATCH (for Mr. BROWNBACK (for himself and Mr. WELLSTONE)) to the bill, H.R. 3244, supra; as follows:

Strike section 12 of the amendment and insert the following:

**SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.**

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking ''10 years'' and inserting ''20 years''; and

(B) by adding at the end the following: ''If death results from a violation of this section, or if under this section the defendant's acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.'';

(2) in section 1584—

(A) by inserting ''(a)'' before ''Whoever''; and

(B) by adding at the end the following new subsection:

''(b) For the purposes of this section, the term 'involuntary servitude' includes a condition of servitude induced by means of—

''(1) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

''(2) the abuse or threatened abuse of the legal process.'';

(3) by inserting at the end the following new sections:

**''§ 1589. Trafficking with respect to peonage, slavery, or involuntary servitude**

''Whoever knowingly recruits, harbors, transports, provides, or obtains by any means any person in or into a condition that constitutes a violation of this chapter for the purpose of subjecting the person to or maintaining the person in such condition shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if under this section the defendant's acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

**''§ 1590. Sex trafficking of children or by force, fraud, or coercion**

''(a) IN GENERAL.—Whoever knowingly—

''(1) recruits, harbors, transports, provides, or obtains by any means a person; or

''(2) benefits, financially or otherwise, from an enterprise in which a person has been recruited, harbored, transported, provided, or obtained in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

''(b) PUNISHMENT.—An offense under subsection (a) is punishable—

''(1) if the offense was effected by force, fraud, or coercion, or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

''(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

''(c) DEFINITION.—In this section:

''(1) COERCION.—The term 'coercion' includes—

''(A) any act, scheme, plan, or pattern intended to cause a person to believe that if the person did not engage in a commercial sex act, that person or another person would suffer serious harm or physical restraint, and

''(B) the abuse or threatened abuse of law or the legal process.

''(2) COMMERCIAL SEX ACT.—The term 'commercial sex act' means any sex act, in or affecting interstate or foreign commerce, on account of which anything of value is given to or received by any person, and—

''(A) which takes place in the United States; or

''(B) in which either the person who caused or is expected to participate in the act or the person committing the violation is a United States citizen or an alien admitted for permanent residence in the United States.

**''§ 1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude**

''Whoever, without lawful authority, knowingly and willfully destroys, conceals, removes, confiscates, or possesses any identification, passport, or other immigration document, or any other documentation of another person—

''(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, or 1591 or attempt to commit such a violation,

''(2) to prevent or restrict the person's liberty to move or travel in order to obtain or maintain the labor or services of another, or

''(3) in the course of the unlawful entry or attempted unlawful entry of a person into the United States, in order to obtain or maintain the labor or services of another,

shall be fined under this title or imprisoned for not more than 5 years, or both.

**''§ 1592. Mandatory restitution**

''(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

''(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

''(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

''(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

''(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

**''§ 1593. General provisions**

''(a) An attempt to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

''(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

''(A) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(A) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

''(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

''(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

''(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).''; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

''1589. Trafficking with respect to peonage, slavery, or involuntary servitude.

''1590. Sex trafficking of children or by force, fraud, or coercion.

''1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude.

''1592. Mandatory restitution.

''1593. General provisions.''.

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

## BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

### LEVIN (AND OTHERS) AMENDMENT NO. 4029

Mr. SMITH of Oregon (for Mr. LEVIN (for himself, Mrs. FEINSTEIN, and Mrs. HUTCHISON)) proposed an amendment to the bill (S. 2386) a bill to extend the Stamp Out Breast Cancer Act; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. AUTHORITY TO ISSUE SEMIPOSTAL STAMPS.**

(a) SHORT TITLE.—This Act may be cited as the ''Semipostal Act of 2000''.

(b) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by striking section 416 (as added by the Semipostal Authorization Act) and inserting the following:

**''§ 416. Authority to issue semipostals**

''(a) DEFINITIONS.—In this section, the term—

''(1) 'agency' means an Executive agency (as defined by section 105 of title 5);

''(2) 'amounts becoming available from the sale of a semipostal under this section' means—

''(A) the total amounts received by the Postal Service with respect to the applicable semipostal in excess of the first class, first ounce rate, reduced by

''(B) an amount equal to the full costs incurred by the Postal Service from the issuance and sale of the average first class, first ounce rate stamp, plus any additional costs incurred by the Postal Service unique to the issuance of the applicable semipostal; and

''(3) 'semipostal' means a special postage stamp which is issued and sold by the Postal Service, at a premium, in order to help provide funding for an issue of national importance.

''(b) AUTHORITY.—The Postal Service may issue no more than 1 semipostal each year, and sell such semipostals, in accordance with this section.

''(c) RATES.—

''(1) IN GENERAL.—The rate of postage on a semipostal issued under this section shall be established by the Governors, in accordance with such procedures as the Governors shall by regulation promulgate (in lieu of the procedures under chapter 36), except that—

''(A) the rate established for a semipostal under this section shall be equal to the rate of postage that would otherwise regularly apply, plus a differential of not to exceed 25 percent; and

''(B) no regular rates of postage or fees for postal services under chapter 36 shall be any different from what such rates or fees otherwise would have been if this section had not been enacted.

''(2) VOLUNTARY USE.—The use of any semipostal issued under this section shall be voluntary on the part of postal patrons.

''(d) AMOUNTS BECOMING AVAILABLE.—

''(1) IN GENERAL.—The amounts becoming available from the sale of a semipostal under this section shall be transferred to the appropriate agency or agencies under such arrangements as the Postal Service shall by mutual agreement with each such agency establish.

''(2) ISSUES OF NATIONAL IMPORTANCE AND AGENCIES.—Decisions under this section concerning issues of national importance, and the appropriate agency or agencies to receive amounts becoming available under this section, shall be made applying the criteria

and procedures established under subsection (f).

''(3) RECOVERY OF COSTS.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Semipostal Act of 2000, the Postal Service shall establish a system to account for all revenues and the full costs (including related labor and administrative costs) associated with selecting, developing, marketing, and selling semipostals under this section. The system shall track and account for semipostal revenues and costs separately from the revenues and costs of all other postage stamps.

''(B) PAYMENT.—Before making any payment to any agency under subsection (d)(1), the Postal Service shall recover the full costs incurred by the Postal Service as of the date of such payment.

''(C) MINIMUM COSTS.—The Postal Service shall to the maximum extent practicable keep the costs incurred by the Postal Service in issuing a semipostal to a minimum.

''(4) OTHER FUNDING NOT TO BE AFFECTED.—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished to an agency in any year.

''(e) CONGRESSIONAL REVIEW.—

''(1) Before the Postal Service can take action with respect to the implementation of a decision to issue a semipostal, the Postal Service shall submit to each House of the Congress a report containing—

''(A) a copy of the decision;

''(B) a concise explanation of the basis for the decision; and

''(C) the proposed effective date of the semipostal.

''(2) Upon receipt of a report submitted under subsection (1), each House shall provide copies of the report to the chairman and ranking member of the Governmental Affairs Committee in the Senate and the Government Reform Committee in the House.

''(3) The decision of the Postal Service with respect to the implementation of a decision to issue a semipostal shall take effect on the latest of—

''(A) the date occurring 60 days after the date on which the Congress receives the report submitted under subsection (1);

''(B) if the Congress passes a joint resolution of disapproval described in section 7, and the President signs a veto of such resolution, the earlier date—

''(i) on which either House of Congress votes and fails to override the veto of the President; or

''(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

''(C) the date the decision would have otherwise been implemented, if not for this section (unless a joint resolution of disapproval under section 7 is enacted).

''(4) Notwithstanding subsection (3), the decision of the Postal Service with respect to the implementation of a decision to issue a semipostal shall not be delayed by operation of this subsection beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 7.

''(5) The Postal Service shall not implement a decision to issue a semipostal if the Congress enacts a joint resolution of disapproval, described under subsection 7.

''(6)(A) In addition to the opportunity for review otherwise provided under this chapter, in the case of any decision for which a report was submitted in accordance with subsection (1) during the period beginning on the date occurring 30 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, this section shall apply to such rule in the succeeding session of Congress.

''(B) In applying this section for purposes of such additional review, a decision described under subsection (1) shall be treated as though—

''(i) the decision were made on—

''(I) in the case of the Senate, the 5th session day, or

''(II) in the case of the House of Representatives, the 5th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (1) on such date.

''(7) For purposes of this section, the term ''joint resolution'' means only a joint resolution introduced in the period beginning on the date on which the report referred to in subsection 1 is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ''that Congress disapproves the decision of the Postal Service submitted on _____ relating to the issuance of _____ semipostal, and the Postal Service shall take no action to implement such decision.'' (The blank spaces being appropriately filled in).

''(8)(A) A joint resolution described in subsection (7) shall be referred to the committees in each House of Congress with jurisdiction.

''(B) For purposes of this subsection, the term ''submission date'' means the date on which the Congress receives the report submitted under section 1.

''(9) In the Senate, if the committee to which is referred a joint resolution described in subsection (7) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission date defined under subsection (8)(B), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(10)(A) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (9)) from further consideration of a joint resolution described in subsection (7), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(B) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(C) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (7), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (7) shall be decided without debate.

''(11) In the Senate the procedure specified in subsection (9) or (10) shall not apply to the consideration of a joint resolution respecting a Postal Service decision to implement a decision to issue a semipostal—

''(A) after the expiration of the 60 session days beginning with the applicable submission date, or

''(B) if the report under subsection (1) was submitted during the period referred to in subsection (6), after the expiration of the 60 session days beginning on the 5th session day after the succeeding session of Congress first convenes.

''(12) If, before the passage by one House of a joint resolution of that House described in subsection (7), that House receives from the other House a joint resolution described in subsection (7), then the following procedures shall apply:

''(A) The joint resolution of the other House shall not be referred to a committee.

''(B) With respect to a joint resolution described in subsection (7) of the House receiving the joint resolution—

''(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(ii) the vote on final passage shall be on the joint resolution of the other House.

''(13) This section is enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (7), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Semipostal Act of 2000, the Postal Service shall promulgate regulations to carry out this section, including provisions relating to—

''(A) which office or other body within the Postal Service will be responsible for making the decisions described in subsection (d)(2);

''(B) what criteria and procedures will be applied in making those decisions;

''(A) IN GENERAL.—If any semipostal ceases to be offered during the period covered by a report, the information contained in such report shall also include—

''(i) the dates on which the sale of such semipostal commenced and terminated; and

''(ii) the total amount that became available from the sale of such semipostal and any agency to which such amount was made available.

''(B) SEMIPOSTALS THAT CEASE TO BE OFFERED.—For each year before the year in which a semipostal ceases to be offered, any report under this subsection shall include, for that semipostal and for the year covered by that report, the information described under clauses (i) and (ii).

''(h) NO INDIVIDUAL RIGHT CREATED.—This section is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law by any party

against the Postal Service, its Governors, officers or employees, the United States, its agencies or instrumentalities, its officers or employees, or any other person.

''(i) INAPPLICABILITY TO BREAST CANCER RESEARCH SPECIAL STAMPS.—This section shall not apply to special postage stamps issued under section 414.

''(j) TERMINATION.—This section shall cease to be effective at the end of the 10-year period beginning on the date on which semipostals are first made available to the public under this section.''.

(c) REPORTS BY AGENCIES.—

(1) IN GENERAL.—Each agency that receives any funding in a year under section 416 of title 39, United States Code (as amended by this section) shall submit a written report under this subsection with respect to such year to the congressional committees with jurisdiction over the United States Postal Service.

(2) CONTENTS.—Each report under this subsection shall include—

(A) the total amount of funding received by such agency under section 416 of such title during the year to which the report pertains;

(B) an accounting of how any funds received by such agency under section 416 of such title were allocated or otherwise used by such agency in such year; and

(C) a description of the effectiveness in addressing the applicable issue of national importance that occurred as a result of the funding.

(d) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—

(1) INITIAL REPORT.—Not later than 4 months after semipostal stamps are first made available to the public under section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress an initial report on the operation of the program established under such section.

(2) INTERIM REPORTS.—Not later than the third year, and again not later than the sixth year, after semipostal stamps are first made available to the public under section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress an interim report on the operation of the program established under such section.

(3) FINAL REPORT.—Not later than 6 months before the date of termination of the effectiveness of section 416 of title 39, United States Code (as amended by this section), the General Accounting Office shall submit to the President and each house of Congress a final report on the operation of the program established under such section. The final report shall contain a detailed statement of the findings and conclusions of the General Accounting Office, and any recommendation the General Accounting Office considers appropriate.

(e) CONFORMING AMENDMENT.—Section 2 of the Semipostal Authorization Act is amended by striking subsections (b), (c), and (e).

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and the program under section 416 of title 39, United States Code (as amended by this section) shall be established not later than 1 year after the date of enactment of this Act.

Amend the title of the bill so as to read: ''To authorize the United States Postal Service to issue semipostals, and for other purposes.''.

## NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, August 23 at 9 a.m. in the U.S. Federal Building Courthouse, Courtroom 1, located at 222 West 7th Avenue, 2nd Floor, Anchorage, AK.

The purpose of the hearing is to conduct oversight on the implementation of the federal takeover of subsistence fisheries in Alaska. Additionally, the Committee will examine the recent decision by the Federal Subsistence Board regarding a ''rural'' determination for the Kenai Peninsula. Oral testimony will be provided by members of the Federal Subsistence Board.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please contact Brian Malnak at 202–224–8119 or Jo Meuse at 202–224–4756.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 7, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C. This hearing was previously scheduled to take place on July 26, 2000.

The purpose of this oversight hearing is to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, September 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 conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

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 AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 27, 2000. The purpose of this meeting will be to review the Federal Sugar Program.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 27, 2000. The purpose of this hearing will be to review proposals to establish an International School Lunch Program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 27, 2000, at 9:30 a.m. on antitrust issues in the airline industry.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. 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, July 27 at 9:30 a.m. to conduct an oversight hearing. The committee will receive testimony from representatives of the General Accounting Office on the investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.

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

COMMITTEE ON FINANCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate

on Thursday, July 27, 2000, for an Open Executive Session to consider favorably reporting the following nominations: Robert S. LaRussa to be Under Secretary for International Trade, Department of Commerce; Jonathan Talisman, Assistant Secretary (Tax Policy), Department of the Treasury; Ruth M. Thomas to be Assistant Secretary for Legislative Affairs, Department of the Treasury; and, Lisa G. Ross to be Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury.

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

COMMITTEE ON THE JUDICIARY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 27, 2000, at 10 a.m. The markup will take place in Dirksen Room 226.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a markup on pending legislation, and on the nominations of Thomas L. Garthwaite, M.D., to be Under Secretary for Health, Department of Veterans Affairs, and Robert M. Walker to be Under Secretary for Memorial Affairs, Department of Veterans Affairs.

The hearing will be held on Thursday, July 27, 2000, at 10 a.m., in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 27, 2000 at 3:30 p.m. to hold a closed confirmation hearing on the nomination of John E. McLaughlin to be Deputy Director of Central Intelligence.

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

SPECIAL COMMITTEE ON AGING

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet, July 27, 2000 from 9:39 a.m. to 12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a markup on Thursday, July 27, 2000, at 9:30 a.m. The markup will take place in Dirksen Room 226.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Thursday, July 27, 2000, at 2 p.m., in Dirksen 226.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 27, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 1734, a bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; H.R. 3084, a bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; S. 2345, a bill to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes; S. 2638, a bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; H.R. 2541, a bill to adjust the boundaries of the Gulf Islands Natonal Seashore to include Cat Island, Mississippi; and S. 2848, a bill to provide for the exchange to benefit the Pecos National Historic Park in New Mexico.

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

## PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent that intern Sarah Schnerer be permitted privilege of the floor this afternoon.

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

Mr. DURBIN. Mr. President, I ask unanimous consent Natacha Blain and David Sarokin of my staff be permitted access to the floor during the discussion of this legislation.

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

## FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Jeff Sessions: | | | | | | | | | |
| Croatia | Dollar | | 209.00 | | | | | | 209.00 |
| Arch Galloway: | | | | | | | | | |
| Croatia | Dollar | | 207.00 | | | | | | 207.00 |
| Senator Joseph I. Lieberman: | | | | | | | | | |
| Israel | Dollar | | 1,841.20 | | | | | | 1,841.20 |
| Egypt | Dollar | | 171.87 | | | | | | 171.87 |
| United States | Dollar | | | | 5,595.78 | | | | 5,595.78 |
| Frederick M. Downey: | | | | | | | | | |
| Israel | Dollar | | 1,672.50 | | | | | | 1,672.50 |
| Egypt | Dollar | | 212.30 | | | | | | 212.30 |
| United States | Dollar | | | | 5,458.80 | | | | 5,458.80 |
| Senator Jack Reed: | | | | | | | | | |
| Colombia | Peso | 518,213 | 248.90 | | | | | 518,213 | 248.90 |
| Elizabeth L. King: | | | | | | | | | |
| Colombia | Peso | 517,875 | 248.74 | | | | | 517,875 | 248.74 |
| Senator Max Cleland: | | | | | | | | | |
| Belgium | Franc | | 852.00 | | | | | | 852.00 |
| Italy | Dollar | | 112.00 | | | | | | 112.00 |
| Kosovo | Dollar | | 7.00 | | | | | | 7.00 |
| United Kingdom | Pound | | 1,184.00 | | | | | | 1,184.00 |
| Andrew Vanlandingham: | | | | | | | | | |
| Belgium | Franc | | 584.54 | | | | | | 584.54 |

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Italy | Dollar | | 100.00 | | | | | | 100.00 |
| United Kingdom | Pound | | 358.49 | | | | | | 358.49 |
| Bill Chapman: | | | | | | | | | |
| Belgium | Franc | | 807.00 | | | | | | 807.00 |
| Italy | Dollar | | 106.00 | | | | | | 106.00 |
| Kosovo | Dollar | | 7.00 | | | | | | 7.00 |
| United Kingdom | Pound | | 1,201.00 | | | | | | 1,201.00 |
| Patricia Murphy: | | | | | | | | | |
| Belgium | Franc | | 584.54 | | | | | | 584.54 |
| Italy | Dollar | | 100.00 | | | | | | 100.00 |
| United Kingdom | Pound | | 358.49 | | | | | | 358.49 |
| Senator Jeff Sessions: | | | | | | | | | |
| United Kingdom | Pound | 949 | 1,442.00 | | | | | 949 | 1,442.00 |
| Netherlands | Guilder | 1,136.05 | 492.00 | | | | | 1,136.05 | 492.00 |
| Belgium | Franc | 31,329 | 741.00 | | | | | 31,329 | 741.00 |
| Total | | | 13,848.57 | | 11,054.58 | | | | 24,903.15 |

JOHN WARNER,
Chairman, Committee on Armed Services, July 7, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Jim Bunning: | | | | | | | | | |
| Italy | Dollar | | 1,192.53 | | 3,791.60 | | | | 4,984.13 |
| Total | | | 1,192.53 | | 3,791.60 | | | | 4,984.13 |

PHIL GRAMM,
Chairman, Committee on Banking, Housing, and Urban Affairs,
June 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Frederic Baron: | | | | | | | | | |
| Colombia | Dollar | | 564.00 | | 2,110.80 | | | | 2,674.80 |
| Total | | | 564.00 | | 2,110.80 | | | | 2,674.80 |

PETE V. DOMENICI,
Chairman, Committee on the Budget, July 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Paula H. Ford: | | | | | | | | | |
| Turkey | Dollar | | 1,050.00 | | 1,518.80 | | | | 2,568.80 |
| Senator John D. Rockefeller, IV: | | | | | | | | | |
| Taiwan | New Taiwan Dollar | 46,770 | 1,518.00 | | | | | 46,770 | 1,518.00 |
| United States | Dollar | | | | 6,577.56 | | | | 6,577.56 |
| Robert J. Six: | | | | | | | | | |
| Taiwan | New Taiwan Dollar | 46,770 | 1,518.00 | | | | | 46,770 | 1,518.00 |
| United States | Dollar | | | | 2,729.56 | | | | 2,729.56 |
| Paul Margie: | | | | | | | | | |
| Taiwan | New Taiwan Dollar | 34,793.11 | 1,129.28 | | | | | 34,793.11 | 1,129.28 |
| United States | Dollar | | | | 2,729.56 | | | | 2,729.56 |
| Total | | | 5,215.28 | | 13,555.48 | | | | 18,770.76 |

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
July 5, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Frank H. Murkowski: | | | | | | | | | |
| Taiwan | New Taiwan Dollar | 29,453 | 966.00 | | 8,928.12 | | | 29,453 | 9,894.12 |
| Hong Kong | Hong Kong Dollar | 5,370 | 690.00 | | | | | 5,370 | 690.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Charles Freeman: | | | | | | | | | |
| Taiwan | New Taiwan Dollar | 29,453 | 966.00 | | 5,338.08 | | | 29,453 | 6,304.08 |
| Hong Kong | Hong Kong Dollar | 8,050 | 1,035.00 | | | | | 8,050 | 1,035.00 |
| Brian P. Malnak: | | | | | | | | | |
| Taiwan | New Taiwan Dollar | 29,453 | 966.00 | | 5,338.08 | | | 29,453 | 6,304.08 |
| Hong Kong | Hong Kong Dollar | 5,370 | 690.00 | | | | | 5,370 | 690.00 |
| Total | | | 5,313.00 | | 19,604.28 | | | | 24,917.28 |

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, June 12, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Bob Graham: | | | | | | | | | |
| Costa Rica | Dollar | | 173.00 | | | | | | 173.00 |
| Robert Filippone: | | | | | | | | | |
| Costa Rica | Dollar | | 173.00 | | | | | | 173.00 |
| Richard Chriss: | | | | | | | | | |
| Switzerland | Swiss Franc | 1,961.16 | 1,180.00 | | 1,901.00 | | | 1,961.16 | 3,081.00 |
| Total | | | 1,526.00 | | 1,901.00 | | | | 3,427.00 |

BILL ROTH,
Chairman, Committee on Finance, July 18, 2000.

AMENDMENT TO 4TH QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Nancy Stetson: | | | | | | | | | |
| India | Dollar | | | | | | 276.62 | | 276.62 |
| Total | | | | | | | 276.62 | | 276.62 |

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 25, 2000.

AMENDMENT TO 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Joseph Biden: | | | | | | | | | |
| France | Dollar | | | | | | 277.45 | | 277.45 |
| Total | | | | | | | 277.45 | | 277.45 |

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Michael Miller: | | | | | | | | | |
| Kenya | Dollar | | 320.00 | | | | | | 320.00 |
| Somalia | Dollar | | 700.00 | | | | | | 700.00 |
| United States | Dollar | | | | 7,667.66 | | | | 7,667.66 |
| Nancy Stetson: | | | | | | | | | |
| Cuba | Dollar | | 263.05 | | 364.00 | | | | 627.05 |
| United States | Dollar | | | | 1,523.00 | | | | 1,523.00 |
| Thailand | Dollar | | 232.00 | | | | | | 232.00 |
| Cambodia | Dollar | | 362.00 | | | | | | 362.00 |
| United States | Dollar | | | | 6,641.80 | | | | 6,641.80 |
| Elizabeth Stewart: | | | | | | | | | |
| Belgium | Dollar | | 572.00 | | | | | | 572.00 |
| Croatia | Dollar | | 250.00 | | | | | | 250.00 |
| United States | Dollar | | | | 5,528,31 | | | | 5,528.31 |
| Marshall Billingslea: | | | | | | | | | |
| Hong Kong | Dollar | | 325.00 | | | | | | 325.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Singapore | Dollar | | 498.00 | | | | | | 498.00 |
| United States | Dollar | | | | 979.08 | | | | 979.08 |
| Ian Brzezinski: | | | | | | | | | |
| Belgium | Dollar | | 757.71 | | | | | | 757.71 |
| Belarus | Dollar | | 162.29 | | | | | | 162.29 |
| United States | Dollar | | | | 5,941.73 | | | | 5,941.73 |
| Michael Haltzel: | | | | | | | | | |
| Sweden | Dollar | | 1,200.00 | | | | | | 1,200.00 |
| France | Dollar | | 936.00 | | | | | | 936.00 |
| Germany | Dollar | | 900.00 | | | | | | 900.00 |
| United States | Dollar | | | | 6,878.36 | | | | 6,878.36 |
| Marcia Lee: | | | | | | | | | |
| Colombia | Dollar | | 189.00 | | | | | | 189.00 |
| Brian McKeon: | | | | | | | | | |
| Colombia | Dollar | | 186.00 | | | | | | 186.00 |
| Senator Joseph Biden: | | | | | | | | | |
| Colombia | Dollar | | 50.00 | | | | | | 50.00 |
| Italy | Dollar | | 496.00 | | | | | | 496.00 |
| United States | Dollar | | | | 3,953,66 | | | | 3,953.66 |
| Senator Chuck Hagel: | | | | | | | | | |
| United States | Dollar | | | | 4,384.11 | | | | 4,384.11 |
| Senator John Kerry: | | | | | | | | | |
| Cuba | Dollar | | 207.75 | | 364.00 | | | | 571.75 |
| United States | Dollar | | | | 1,523.00 | | | | 1,523.00 |
| Thailand | Dollar | | 210.00 | | | | | | 210.00 |
| Cambodia | Dollar | | 257.00 | | | | | | 257.00 |
| United States | Dollar | | | | 7,011.32 | | | | 7,011.32 |
| Marc Thiessen: | | | | | | | | | |
| United States | Dollar | | | | 3,892.61 | | | | 3,892.61 |
| Poland | Dollar | | 1,118.99 | | | | | | 1,118.99 |
| United States | Dollar | | | | 4,083.94 | | | | 4,083.94 |
| Natasha Watson: | | | | | | | | | |
| Thailand | Dollar | | 888.00 | | | | | | 888.00 |
| United States | Dollar | | | | 198.53 | | | | 198.53 |
| Total | | | 11,080.79 | | 60,935.11 | | | | 72.015.90 |

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Elise Bean: | | | | | | | | | |
| Cayman Islands | Dollar | | 1,450.00 | | 796.30 | | | | 2,246.30 |
| Robert Roach: | | | | | | | | | |
| Cayman Islands | Dollar | | 815.99 | | 639.30 | | | | 1,455.29 |
| Senator Thompson: | | | | | | | | | |
| United States | Dollar | | | | 8,677.40 | | | | 8,677.40 |
| Italy | Lira | | 300.00 | | | | | | 300.00 |
| Austria | Schilling | 3,029.88 | 210.00 | | | | | 3,029.99 | 210.00 |
| Germany | Deutsche Mark | 562 | 274.00 | | | | | 562 | 274.00 |
| France | Franc | 726.10 | 106.00 | 1,550 | 226.28 | | | 726.10 | 332.28 |
| England | Pound | 100 | 153.00 | | | | | 100 | 153.00 |
| Mark Esper: | | | | | | | | | |
| United States | Dollar | | | | 5,270.40 | | | | 5,270.00 |
| Italy | Lira | | 300.00 | | | | | | 300.00 |
| Austria | Schilling | 3,029.88 | 210.00 | | | | | 3,029.88 | 210.00 |
| Germany | Deutsche Mark | 562 | 274.00 | | | | | 562 | 274.00 |
| France | Franc | 2,137.20 | 312.00 | 1,550 | 226.28 | | | 2,137.20 | 538.28 |
| England | Pound | 84.91 | 129.00 | | | | | 84.91 | 129.00 |
| Christopher Ford: | | | | | | | | | |
| United States | Dollar | | | | 5,270.40 | | | | 5,270.40 |
| Italy | Lira | | 300.00 | | | | | | 300.00 |
| Austria | Schilling | 3,029.88 | 210.00 | | | | | 3,029.88 | 210.00 |
| Germany | Deutsche Mark | 562 | 274.00 | | | | | 562 | 274.00 |
| France | Franc | 2,137.20 | 312.00 | 1,550 | 226.28 | | | 2,137.20 | 538.28 |
| England | Pound | 100 | 153.00 | | | | | 100 | 153.00 |
| Senator Durbin: | | | | | | | | | |
| Colombia | Peso | 519,777 | 245.64 | | | | | 519,777 | 245.64 |
| Richard Purcell: | | | | | | | | | |
| Colombia | Peso | 515,991 | 243.85 | | | | | 515,991 | 243.85 |
| Total | | | 6,272.48 | | 21,332.64 | | | | 27,605.12 |

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, July 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Sharon Waxman: | | | | | | | | | |
| Holland | Dollar | | | | 710,67 | | | | 710.67 |
| Holland | Dollar | | 702.24 | | | | | | 702.24 |
| Total | | | 702.24 | | 710.67 | | | | 1,412.91 |

ORRIN HATCH,
Chairman, Committee on the Judiciary, July 7, 2000.

AMENDMENT TO THE 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), NATIONAL SECURITY WORKING GROUP STAFF DELEGATION TRAVEL AUTHORIZED BY SENATE MAJORITY LEADER TRENT LOTT AND DEMOCRATIC LEADER TOM DASCHLE FOR TRAVEL FROM FEB. 28 TO MAR. 4, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Mitch Kugler: | | | | | | | | | |
| Switzerland | Dollar | | 828.60 | | 4,137.83 | | | | 4,966.42 |
| Dennis Ward: | | | | | | | | | |
| Switzerland | Dollar | | 828.60 | | 4,137.83 | | | | 4,966.42 |
| Terri Smith: | | | | | | | | | |
| Switzerland | Dollar | | 828.60 | | 4,137.83 | | | | 4,966.42 |
| Total | | | 2,485.80 | | 12,413,46 | | | | 14,899.26 |

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
Mar. 31, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), NATIONAL SECURITY WORKING GROUP TRAVEL AUTHORIZED BY MAJORITY AND DEMOCRATIC LEADERS, FOR TRAVEL FROM APR. 16 TO APR. 20, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Thad Cochran: | | | | | | | | | |
| Russia | Dollar | | 548.00 | | | | | | 548.00 |
| United Kingdom | Pound | | 381.00 | | | | | | 381.00 |
| Mitch Kugler: | | | | | | | | | |
| Russia | Dollar | | 700.00 | | | | | | 700.00 |
| United Kingdom | Pound | | 381.00 | | | | | | 381.00 |
| Michael Loesch: | | | | | | | | | |
| Russia | Dollar | | 700.00 | | | | | | 700.00 |
| United Kingdom | Pound | | 381.00 | | | | | | 381.00 |
| Senator Carl Levin: | | | | | | | | | |
| Russia | Dollar | | 425.00 | | | | | | 425.00 |
| United Kingdom | Pound | | 221.00 | | | | | | 221.00 |
| Richard Fieldhouse: | | | | | | | | | |
| Russia | Dollar | | 453.00 | | | | | | 453.00 |
| United Kingdom | Pound | | 221.00 | | | | | | 221.00 |
| David Lyles: | | | | | | | | | |
| Russia | Dollar | | 465.00 | | | | | | 465.00 |
| United Kingdom | Pound | | 271.00 | | | | | | 271.00 |
| Total | | | 5,147,00 | | | | | | 5,147.00 |

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
July 27, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FOR TRAVEL FROM APR. 1, TO JUNE 30, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Ernest Hollings: | | | | | | | | | |
| Russia | Dollar | | 1,100.00 | | | | | | 1,100.00 |
| Ukraine | Dollar | | 763.00 | | | | | | 763.00 |
| Turkey | Dollar | | 918.00 | | | | | | 918.00 |
| Bulgaria | Dollar | | 388.00 | | | | | | 388.00 |
| Ashley Cooper: | | | | | | | | | |
| Russia | Dollar | | 1,100.00 | | | | | | 1,100.00 |
| Ukraine | Dollar | | 763.00 | | | | | | 763.00 |
| Turkey | Dollar | | 918.00 | | | | | | 918.00 |
| Bulgaria | Dollar | | 388.00 | | | | | | 388.00 |
| Total | | | 6,388.00 | | | | | | 6,388.00 |

TOM DASCHLE,
Democratic Leader, June 30, 2000.

## MEASURES READ THE FIRST TIME

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the following bills be considered read for the first time and the request for their second reading be objected to, en bloc. They are: H.R. 728, H.R. 1102, H.R. 1264, H.R. 2348, H.R. 3048, H.R. 3468, H.R. 4033, H.R. 4079, H.R. 4201, H.R. 4923, H.R. 4846, H.R. 4888, H.R. 4700, H.R. 4681, and H.J. Res. 72.

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

Under the rule, the bills will receive their second reading on the next legislative day.

## AUTHORIZATION TO MAKE APPOINTMENTS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committee boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

## ORDERS FOR TUESDAY, SEPTEMBER 5, 2000

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Tuesday, September 5. I further ask

consent that on Tuesday, 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 until 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

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

Mr. SMITH of Oregon. I further ask consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

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

## PROGRAM

Mr. SMITH of Oregon. When the Senate convenes on Tuesday, September 5, the Senate will be in a period of morning business from 12 to 12:30 p.m. Following morning business, the Senate will recess for the weekly party conference meetings. At 2:15 p.m., the 30 hours of postcloture debate on the China PNTR bill will begin. At 6 p.m., by previous consent, the Senate will begin consideration of the energy and water appropriations bill, with amendments in order. Under the agreement, these two bills will be considered simultaneously throughout the week.

## ORDER FOR ADJOURNMENT

Mr. SMITH of Oregon. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment——

Mr. WYDEN. 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. 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.

## UNANIMOUS CONSENT AGREEMENT—S. 1608

Mr. WYDEN. Mr. President, I ask consent that on or before September 15, 2000, the majority leader, after notification with the minority leader, will turn to Calendar No. 520, S. 1608, and it be considered under the following agreement:

That there be 2 hours equally divided for general debate on the bill; that there be a managers' amendment in the nature of a substitute; that there be up to two amendments for each leader, with one amendment of the minority leader to be offered by Senator BOXER; that they be first-degree amendments, relevant to the text of S. 1608, and limited to 1 hour each, to be equally divided in the usual form.

That following the disposition of the above described amendments, the use or yielding back of time, the Senate proceed to third reading and a vote on passage of S. 1608, as amended, if amended, without intervening action, motion, or debate.

I further ask consent that it be in order for either leader to vitiate the above agreement no later than 12 noon on Wednesday, September 6, 2000.

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

Mr. SMITH of Oregon. Mr. President, my colleague and I thank the staff and those who have waited this long time. I tell them and anyone who is concerned that the wait has been worthwhile. This bill is the product of a bipartisan pair of Senators who I think tonight have shown what can happen if we work together. We respect one another. We work for the good of the American people.

Every State with timber growing in it, with children growing in it, with roads needing repair in it, will be better because of what we have done tonight.

I salute my colleague and I thank him very much for his role this evening.

## ADJOURNMENT UNTIL SEPTEMBER 5, 2000

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon on Tuesday, September 5, 2000.

Thereupon, the Senate, at 9:53 p.m., adjourned until Tuesday, September 5, 2000, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate July 27, 2000:

### EXECUTIVE OFFICE OF THE PRESIDENT

JOSE COLLADO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING DECEMBER 20, 2003. (REAPPOINTMENT)

JOSE COLLADO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING DECEMBER 20, 2000, VICE MARJORIE B. KAMPELMAN, RESIGNED.

### FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

JAMES H. ATKINS, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2004. (REAPPOINTMENT)

### THE JUDICIARY

CHRISTINE M. ARGUELLO, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN C. PORFILIO, RETIRED.

### DEPARTMENT OF JUSTICE

PAULA M. JUNGHANS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE LORETTA COLLINS ARGRETT, RESIGNED.

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

*To be lieutenant colonel*

DANIEL G. AARON, 0000
DAVID ABRAHAMSON, 0000
ROBERT M. ABRAMS, 0000
JOSEPH F. ADAMS, 0000
LYLE N. ADAMS, 0000
PHILLIP G. ADAMS, 0000
WILLIAM G. ADAMSON, 0000
EDWARD E. AGEE, JR., 0000
CRAIG J. AGENA, 0000
ROBERT B. AKAM, 0000
BRUCE E. AKARD, 0000
ROBERT Q. AKE, 0000
GEORGE G. AKIN, 0000
DANIEL A. ALABRE, 0000
MICHAEL A. ALBANEZE, 0000
ERIC S. ALBERT, 0000
SIBYLLA M. ALBERTSON, 0000
DONALD C. ALLGROVE, 0000
VINCENT E. ALONSO, 0000
ANNA E. ALVARADO, 0000
JOSEPH C. AMMON, 0000
VINCENT A. AMOS, 0000
AMANDA L. ANDERSON, 0000
BRIAN H. ANDERSON, 0000
DAVID P. ANDERSON, 0000
DEREK L. ANDERSON, 0000
JOHN P. ANDERSON, 0000
LONNY A. ANDERSON, 0000
MARK A. ANDERSON, 0000
BRENDA A. ANDREWS, 0000
ROBERTO C. ANDUJAR, 0000
WALTER K. ANGLES, 0000
HODGES ANTHONY, JR., 0000
JUAN L. ARCOCHA, 0000
ANTHONY P. ARCURI II, 0000
CHRISTOPHER S. ARGO, 0000
THOMAS W. ARIAIL, 0000
RANDALL T. ARNOLD, 0000
SPENCER Q. ARTMAN, 0000
JAMES S. ASHWORTH, 0000
GEORGE W. ATKINSON, 0000
WAYNE D. AUSTIN, 0000
KEVIN D. AVEN, 0000
KENNETH R. AVERY, 0000
RICK E. AYER, 0000
RONALD E. BAHAM, 0000
ANTONIO R. BAINES, 0000
BRIAN L. BAKER, 0000
CHARLES G. BAKER, JR., 0000
DAVID D. BAKER, 0000
MICHAEL J. BAKER, 0000
VERONICA L. BAKER, 0000
MICHAEL J. BARBEE, 0000
DAVID A. BARLOW, 0000
DAVID S. BARNABY, 0000
RANDALL T. BARNES, 0000
WILLIAM M. BARNETT IV, 0000
MATTHEW J. BARR, 0000
GREGORY V. BARRACK, 0000
RICHARD E. BARROWMAN, 0000
KERRY M. BARRY, 0000
GORDON H. BARTHOLF, JR., 0000
KENNETH C. BARTLETT, 0000
JOSEPH A. BASSANI, JR., 0000
OSCAR C. BATTLE, JR., 0000
CHRISTOPHER W. BAUGHMAN, 0000
CRAIG S. BAYER, 0000
JAMES M. BAYHA, 0000
SCOTT N. BEACH, 0000
MARY J. BEAM, 0000
JAMES R. BECK, 0000
BRADLEY A. BECKER, 0000
JOHN A. BECKER, 0000
RICHARD M. BECKINGER, 0000
KEVIN R. BEERMAN, 0000
CRAIG A. BELL, 0000
BRIAN R. BELLI, 0000
GERALD E. BELLIVEAU, JR., 0000
JOHN L. BELLIZAN, 0000
DAVID G. BELVA, 0000
PETER B. BENOIT, JR., 0000
CHRISTOPHER F. BENTLEY, 0000
DOUGLAS L. BENTLEY, JR., 0000
CHRISTOPHER R. BENYA, 0000
BRYAN W. BEQUETTE, 0000
DANIEL M. BERDINE, 0000
SCOTT D. BERRIER, 0000
JEFFREY D. BERTOCCI, 0000
ROBERT F. BEST, 0000
MEAREN C. BETHEA, 0000
ANTOINE B. BETHEL, 0000
SCOTT E. BICKELL, 0000
MICHAEL E. BIGELOW, 0000
RANDOLPH R. BINFORD, 0000
BRIAN D. BIRDWELL, 0000
WILLIAM M. BIRKETT, 0000
KEVIN R. BISHOP, 0000
DAVID E. BITHER, 0000
JOSEPH W. BLACKBURN, 0000
JOERLE B. BLACKMAN, 0000
RICHARD L. BLACKWELL, 0000
DAVID L. BLAIN, 0000
DEAN F. BLAND, 0000
RANDALL W. BLAND, 0000
DENNIS R. BLECKLEY, 0000
DAVID L. BLOSE, 0000
MICHELE P. BOLINGER, 0000
MICHAEL L. BOLLER, 0000
JAIME L. BONANO, 0000
THOMAS R. BONE II, 0000
CONRAD H. BONNER, 0000
EDWIN R. BOOTH, JR., 0000
RACHEL D. BORHAUER, 0000
ROBERT O. BOSWORTH, 0000
ROLFE B. BOTT, 0000
MARK H. BOURGEOIS, 0000
ANDREW W. BOWES, 0000
DARRYL L. BOWMAN, 0000
LLOYD L. BOXLEY, JR., 0000
CURTIS D. BOYD, 0000
PETER B. BOYD, 0000
STEVE C. BOYDSTON, 0000
STEVEN A. BOYLAN, 0000
JOHN C. BRACKETT, 0000

JAMES W. BRADIN, JR., 0000
STUART W. BRADIN, 0000
CHERYL D. BRADY, 0000
ROBERT H. BRANNOCK, JR., 0000
BARRY A. BRASSEUR, 0000
LARS E. BRAUN, 0000
JOHN H. BREIDENSTINE, JR., 0000
JOSEPH A. BRENDLER, 0000
THOMAS R. BREW, JR., 0000
DOUGLAS L. BRIMMER, 0000
WILLIAM D. BRINKLEY, 0000
KENNETH W. BRITT, 0000
MATTHEW W. BROADDUS, 0000
EDWARD J. BROCK, 0000
DARREN G. BROOKE, 0000
WILLIAM T. BROOKS, 0000
DEBORAH P. BROUGHTON, 0000
GREGORY A. BROUILLETTE, 0000
CATHLEEN M. BROWN, 0000
CLAYTON E. BROWN, 0000
DAVID A. BROWN, 0000
DAVID A. BROWN, 0000
DAVID K. BROWN, 0000
DEBORAH L. BROWN, 0000
JAY P. BROWN, 0000
JEFFERY D. BROWN, 0000
JEFFREY D. BROWN, 0000
JOHN W. BROWN III, 0000
KEVIN S. BROWN, 0000
MARK E. BROWN, 0000
REGINALD BROWN, 0000
STANLEY M. BROWN, 0000
STEVEN K. BROWN, 0000
STEPHEN E. BRUCH, 0000
DUANE E. BRUCKER, 0000
JAMES E. BRUNDAGE, 0000
CYNTHIA J. BUCHE, 0000
JOSEPH P. BUCHE, 0000
HARALD C. BUCHHOLZ, 0000
LAURIE G. BUCKHOUT, 0000
EDWARD D. BUCKNER, 0000
THOMAS E. BUDZYNA, 0000
SCOTT H. BUHMANN, 0000
WENDY S. BULKEN, 0000
STEVEN L. BULLIMORE, 0000
JAMES M. BURCALOW, 0000
MARCUS D. BURCH, 0000
GWYNNE T. BURKE, 0000
ROBERT A. BURNS, 0000
VICTOR R. BUTERA, 0000
BRIAN A. BUTLER, 0000
PAMELA L. BUTLER, 0000
PRESTON A. BUTLER, JR., 0000
CARL R. CALHOUN, 0000
SEAN M. CALLAHAN, 0000
MARK E. CALVERT, 0000
JAMES M. CAMPBELL, JR., 0000
JOHN D. CAMPBELL, 0000
JOHN S. CAMPBELL, 0000
JON W. CAMPBELL, 0000
KELLY N. CAMPBELL, 0000
LARRY W. CAMPBELL, 0000
ROBERT J. CAMPBELL, 0000
DAVID C. CAMPS, 0000
DENNIS M. CANTWELL, 0000
GREGORY L. CANTWELL, 0000
STEVEN M. CAPALBO, 0000
TRINIDAD F. CAPELO, 0000
DOMINIC J. CARACCILO, 0000
ROBERT K. CARL, 0000
MATTHEW B. CARLISLE, 0000
ELIEZER B. CARLO, 0000
SCOTT M. CARLSON, 0000
MARTIN T. CARPENTER, 0000
ROBERT C. CARPENTER, 0000
JOHN C. CARRINGTON, 0000
EDWARD L. CARROLL, 0000
DONALD K. CARTER, 0000
MARLENE R. CARTER, 0000
VICTOR T. CARTER, 0000
MICHAEL A. CASCIARO, 0000
SAMUEL W. CASMUS III, 0000
DANIEL L. CASSIDY, JR., 0000
ALAN W. CASTLEBERRY, 0000
JOHN G. CASTLES II, 0000
ROBERT J. CEJKA, 0000
GREGORY J. CELESTAN, 0000
SCOTT CHAMBERLAIN, 0000
GEORGE F. CHANDLER, 0000
THOMAS C. CHAPMAN, 0000
CHESTER A. CHAR, 0000
SHERMAN L. CHARLES, 0000
JOHN W. CHARLTON, 0000
STEVEN M. CHASE, 0000
ANTOINE CHEATHAM, 0000
DAVID C. CHENEY, 0000
J.K. CHESNEY, 0000
BARTON D. CHESS, 0000
CARLEN J. CHESTANG, JR., 0000
LAVERNE M. CHESTER, 0000
JAMES H. CHEVALLIER, 0000
RICHARD C. CHOPPA, 0000
JONATHON L. CHRISTENSEN, 0000
PATRICK M. CHRISTIAN, 0000
STEPHEN M. CHRISTIAN, 0000
KEVIN A. CHRISTIE, 0000
ANTHONY CHRISTINO III, 0000
SCOTT R. CHRISTOPHER, 0000
JOSEPH CIAMPINI, 0000
NORBERTO R. CINTRON, 0000
TIMOTHY H. CIVILS, JR., 0000
JOHN C. CLANTON, 0000
HARVEY E. CLARK, 0000
RICHARD D. CLARKE, JR., 0000
FERALD A. CLARY, 0000
TROY A. CLAY, 0000
WILFRED D. CLAYTON, 0000
SAMUEL CLEAR, 0000
MARK K. CLEAVER, 0000
JON S. CLEAVES, 0000
JOSEPH F. CLEGG, 0000
STEPHEN L. CLOUM, 0000
CLAYTON W. COBB, 0000
NATALIE M. COLE, 0000
RICHARD J. COLE, 0000
BRIAN F. COLEMAN, 0000
STEVEN A. COLES, 0000
STEPHEN C. COLLAR, 0000
JOHN E. COLLIE, 0000
DAVID G. COLLINS, 0000
ETHAN COLLINS, 0000
BARTON G. COMBS, 0000
BRADFORD M. COMBS, 0000
PEGGY C. COMBS, 0000
CHARLES K. COMER, 0000
PAUL B. CONDON, JR., 0000
JACKLYN CONEY, JR., 0000
WILLIAM R. CONLON, 0000
CHRISTOPHER E. CONNER, 0000
THOMAS H. CONNORS, 0000
JAMES P. CONTRERAS, JR., 0000
WILLIAM B. COOPER, 0000
LORELEI E. COPLEN, 0000
YVONNE M. CORMIER, 0000
THOMAS F. CORNELL, 0000
WILLIAM N. COSBY, 0000
MARK A. COSTELLO, 0000
WILLIAM J. COULTRUP, 0000
THOMAS R. COVINGTON, 0000
MICHAEL A. COWAN, 0000
THOMAS M. COWAN, 0000
JOHN A. COX, 0000
WALLACE G. COX, JR., 0000
BRUCE T. CRAWFORD, 0000
GREGORY W. CRAWLEY, 0000
ERIC R. CRINER, 0000
DERIK W. CROTTS, 0000
THOMAS W. CROUCH, 0000
STEVEN L. CROWE, 0000
ANTHONY CRUZ, 0000
VENTURA A. CUELLO, 0000
WILLIAM M. CULBRETH, 0000
BRIAN K. CUMMINGS, 0000
LOU A. CUNNINGHAM, 0000
JOHN P. CURRAN, 0000
KENT T. CUSACK, 0000
CHARLES T. CUTLER, 0000
MICHAEL P. CYR, 0000
BEVAN R. DALEY, 0000
SCOTT A. DALLESASSE, 0000
JOHN DAMBROSIO, 0000
STEVEN P. DAMON, 0000
SUSAN C. DANIELSEN, 0000
JAMES W. DANNA III, 0000
MATTHEW J. DANSBURY, 0000
DANIEL C. DAOUST, 0000
HARRY B. DARBY, JR., 0000
CHARLES R. DARDEN, 0000
RICHARD S. DAUM, JR., 0000
ALEXANDER D. DAVIS, JR., 0000
JEFFREY H. DAVIS, 0000
JON M. DAVIS, JR., 0000
PAUL T. DAVIS, 0000
THEOPIA A. DEAS, 0000
DALE E. DEBRULER, 0000
ARTHUR S. DEGROAT, 0000
RONALD J. DEJONG, 0000
RALPH C. DELUCA, 0000
DANNY S. DENNEY, 0000
MARCUS F. DEOLIVEIRA, 0000
THOMAS J. DESROSIER, 0000
JOHN K. DEWEY, 0000
MARK A. DEWHURST, 0000
ROBERT L. DEYESO, JR., 0000
SCOTT J. DIAS, 0000
JOSEPH J. DICHAIRO, 0000
BRADLEY C. DICK, 0000
CHAILENDREIA M. DICKENS, 0000
CLIFTON L. DICKEY, 0000
JAMES H. DICKINSON, 0000
JAMES E. DIETZ, 0000
JAMES R. DILLON, 0000
DANIEL J. DILLOW, 0000
STEPHEN E. DIRIGO, 0000
DEIRDRE P. DIXON, 0000
LILLIAN A. DIXON, 0000
DAVID B. DOANE, 0000
WILLIAM H. DODGE, 0000
TERRANCE J. DOLAN, 0000
SCOTT J. DOLGOFF, 0000
CARL DOMINIC, 0000
THOMAS G. DONNELLY, 0000
KARLA M. DONOVAN, 0000
MICHAEL T. DONOVAN, 0000
JAMES L. DOUGLAS, 0000
ROBERT L. DOUTHIT, 0000
JEFFREY M. DOUVILLE, 0000
JOHN F. DOWD, JR., 0000
BRUCE P. DOWDY, 0000
JAMES D. DOWDY, 0000
MICHAEL P. DOWDY, 0000
DEBORAH R. DRAIN, 0000
WILLIAM J. DUDDLESTON, 0000
FRANKLIN D. DUNCAN, JR., 0000
RICKY DUNNAWAY, JR., 0000
DAVID D. DWORAK, 0000
GREGORY J. DYEKMAN, 0000
CHARLES B. DYER, 0000
JACKIE L. DYESS, 0000
ARTHUR J. EARL, 0000
MARK G. EDGREN, 0000
KEITH R. EDWARDS, 0000
MARK H. EDWARDS, 0000
THOMAS I. EISIMINGER, JR., 0000
MARK T. ELLINGTON, 0000
KENT M. ELLIOTT, JR., 0000
KEVIN F. ELLIOTT, 0000
CARL M. ELLIS, 0000
ADRIAN A. ERCKENBRACK, 0000
IAN P. ERICKSON, 0000
MARK A. ERNYEI, 0000
JON A. ERRICKSON, 0000
MARK W. ERWIN, 0000
EARNEST L. EVANS, 0000
RICHARD A. EVANS, 0000
SAMUEL S. EVANS, 0000
THOMAS H. EVANS, 0000
BENJAMIN A. EVERSON, 0000
STEPHEN R. FAHY, 0000
JAMES F. FAIN, 0000
ROBERT E. FALKENSTEIN, 0000
DANIEL M. FANCHER, 0000
MARK A. FARRAR, 0000
KENTON G. FASANA, 0000
THOMAS H. FASS, 0000
DAVID J. FAULKNER, 0000
JAMES R. FAULKNER, 0000
*JOHN FENZEL III, 0000
JUDE C. FERNAN, 0000
ALAN D. FESSENDEN, 0000
GEORGE R. FIELDS, 0000
ALFONSO J. FINLEY, 0000
CRAIG A. FINLEY, 0000
MICHAEL E. FIRLIE, 0000
JOSEPH M. FISCHETTI, 0000
ANTHONY P. FISHER, 0000
HERMAN FITZGERALD III, 0000
WILLIAM S. FLANIGAN, 0000
JON E. FLEISCHNER, 0000
GREGORY R. FLEMING, 0000
JIMMY L. FLEMING, 0000
ANDRE Q. FLETCHER, 0000
CHARLES A. FLYNN, 0000
GARY L. FORBES, JR., 0000
SAMUEL J. FORD III, 0000
WILLIAM M. FORD, 0000
BRUCE C. FOREMAN, 0000
CHARLES E. FORSHEE, 0000
NORBERT H. FORTIER, 0000
GREGORY L. FORTSON, 0000
ANTONIO W. FOSTER, 0000
DARRELL D. FOUNTAIN, 0000
MICHELLE M. FRALEY, 0000
ANTHONY W. FREDERICK, 0000
EDWARD J. FREE, 0000
ROBERT E. FREEHILL, 0000
BYRON A. FREEMAN, 0000
KRISTIN K. FRENCH, 0000
NEIL J. FREY, 0000
DOUGLAS E. FRIEDLY, 0000
RONALD A. FROST, 0000
LAWRENCE E. FUSSNER, 0000
PAUL W. GAASBECK, 0000
DOUGLAS M. GABRAM, 0000
PETER A. GALLAGHER, 0000
DAVID L. GALLOP, 0000
WILLIAM E. GARNER, 0000
PAUL E. GARRAH, 0000
MARK L. GARRELL, 0000
JEAN L. GASLIN, 0000
ROBIN L. GASLIN, 0000
DWAYNE H. GATSON, 0000
PAUL J. GAUTREAUX, 0000
RAFAEL M. GAVILAN, 0000
PATRICK M. GAWKINS, 0000
CLARENCE W. GAYLOR III, 0000
DAVID T. GERARD, 0000
BARBARA J. GEROVAC, 0000
DANIEL J. GETTINGS, 0000
ALLEN J. GILL, 0000
JOSEPH I. GILL III, 0000
WESLEY G. GILLMAN, 0000
PAUL E. GIOVINO, 0000
JOSEPH A. GIUNTA, JR., 0000
KEVIN P. GIVENS, 0000
SCOTT T. GLASS, 0000
ANDREW G. GLEN, 0000
HARRY C. GLENN III, 0000
MICHAEL B. GLENN, 0000
JED L. GOAD, 0000
DALE E. GOBLE, 0000
WILLIAM J. GODBOUT, 0000
DAVID R. GODDARD, 0000
DANIEL A. GODFREY, 0000
ANDREW W. GOETZ, 0000
GLENN H. GOLDMAN, 0000
RYAN F. GONSALVES, 0000
VINCENT R. GORDON, 0000
DANIEL J. GRADY, 0000
KERRY M. GRANFIELD, 0000
EMILY B. GRAVES, 0000
JAMES W. GRAY, 0000
BRYAN D. GREEN, 0000
WILLIAM L. GREEN III, 0000
PETER W. GREENE, 0000
JAMES E. GRIER, JR., 0000
RODNEY O. GRIFFIN, 0000
GABRIELE H. GRIFFITHS, 0000
EROGIES GRIGLEY, JR., 0000
STEVEN R. GRIMES, 0000
RUSSELL L. GRIMLEY, 0000
GLENN K. GROTHE, 0000
JOSEPH M. GRUBICH, 0000
ELVIN K. GUNTER, 0000
DAVID T. GUZMAN, 0000
THOMAS K. HAASE, 0000
WILLIAM F. HAASE, 0000
PAUL J. HAFFEY, 0000
DAVID B. HAIGHT, 0000
DAVID W. HALL, 0000
JEFFREY M. HALL, 0000

SALLY J. HALL, 0000
WILLIAM A. HALL, 0000
SHARON R. HAMILTON, 0000
DONALD R. HAMM, 0000
DANIEL L. HAMPTON, 0000
ROBERT W. HAND, 0000
JOHN M. HANNAH, 0000
LEE E. HANSEN, 0000
RICHARD D. HANSEN, 0000
RICK A. HANSEN, 0000
MATTHEW J. HARDY, 0000
WILLIAM J. HARDY, JR., 0000
JOHN W. HARNEY, 0000
NED L. HARRELL, JR., 0000
CHERYL A. HARRIS, 0000
JEFFERY T. HARRIS, 0000
MICHEL L. HARRIS, 0000
ROBERT J. HARTLEY, 0000
MICHAEL S. HARTMAYER, 0000
THEA HARVELL III, 0000
KIRK J. HASCHAK, 0000
CLAY B. HATCHER, 0000
ROCKIE D. HAYES, 0000
THOMAS J. HAYWOOD, 0000
STANLEY N. HEATH, 0000
JOHN G. HECK, 0000
KENNETH E. HELLER, JR., 0000
JEFFREY B. HELMICK, 0000
JAMES A. HENDERSON, 0000
BARRY R. HENDRICKS, 0000
MICHAEL L. HENDRICKS, 0000
FREDERICK A. HENRY, 0000
BARRY R. HENSLEY, 0000
ROY G. HENSON, 0000
MARTIN L. HERBERT, 0000
JOSEPH A. HERDADE, 0000
JOHN P. HESS, 0000
ROBERT L. HESSE, 0000
DONALD D. HICK, 0000
JOHN J. HICKEY, JR., 0000
SUZANNE C. HICKEY, 0000
CHARLES W. HICKS, JR., 0000
MARVIN C. HIGDON, 0000
NEIL A. HIGGINS, 0000
TERENCE J. HILDNER, 0000
DAVID E. HILL, JR., 0000
DONALD G. HILL, JR., 0000
JEFFREY G. HILL, 0000
WILLIAM V. HILL III, 0000
JAY HILLIARD III, 0000
JOEL R. HILLISON, 0000
THOMAS R. HITE, JR., 0000
GREGORY A. HOCH, 0000
TONY F. HODGE, 0000
RICHARD C. HOEHNE, 0000
ROBERT W. HOELSCHER II, 0000
CAREY W. HOLGATE, 0000
HERSHEL L. HOLIDAY, 0000
SHERRY J. HOLIDAY, 0000
FREDERICK J. HOLLAND, 0000
MICHAEL L. HOLLEY, 0000
ANTHONY A. HOLM, 0000
LAWRENCE B. HOLMES, 0000
MICHAEL E. HOLMES, 0000
COLIN L. HOOD, 0000
STEPHEN G. HOOD, 0000
WILLIAM G. HOWARD, 0000
EDWARD E. HOYT, 0000
PAMELA J. HOYT, 0000
GLENN R. HUBER, JR., 0000
DAVID S. HUBNER, 0000
KEVIN P. HUGHES, 0000
ROBERT S. HUME, 0000
PAUL C. HURLEY, JR., 0000
CRAIG B. HYMES, 0000
KEVIN A. HYNEMAN, 0000
JEFFREY B. IDDINS, 0000
STEVEN C. IKIRT, 0000
BRYANT R. INMAN, 0000
JOHN A. IRVINE, 0000
DEBORAH W. IVORY, 0000
DONALD E. JACKSON, JR., 0000
KAREN J. JACKSON, 0000
LARRY A. JACKSON, 0000
PATRICIA A. JACKSON, 0000
RANDY K. JACKSON, 0000
DAVID M. JANAC, 0000
NEAL E. JAREST, 0000
JEROME E. JASTRAB, 0000
JAN V. JEDRYCH, 0000
JOSEPH B. JELLISON, 0000
TARAS A. JEMETZ, 0000
DARRELL L. JENKINS, 0000
KENNEDY E. JENKINS, 0000
THOMAS E. JENKINS, 0000
KATHLEEN L. JENNINGS, 0000
KEVIN N. JENNINGS, 0000
DOUGLAS G. JETT, 0000
ANTHONY R. JIMENEZ, 0000
IGNACIO F. JIMENEZ, 0000
MICHAEL L. JIMENEZ, 0000
NORBERT B. JOCZ, 0000
AUSTIN G. JOHNSON, 0000
CARL M. JOHNSON, 0000
CRAIG L. JOHNSON, 0000
DARFUS L. JOHNSON, 0000
DAVID E. JOHNSON, 0000
ERIC S. JOHNSON, 0000
JEFFREY S. JOHNSON, 0000
JOHN C. JOHNSON, 0000
MERRY M. JOHNSON, 0000
MICHAEL F. JOHNSON, 0000
WILLIAM E. JOHNSON, JR., 0000
ALAN L. JONES, 0000
ALLEN S. JONES, 0000
GARY R. JONES, 0000
JAMES S. JONES, 0000
ROBERT E. JONES, JR., 0000
STEVEN L. JONES, 0000
TIMOTHY A. JONES, 0000
EDWARD C. JORDAN, 0000
KEVIN R. KAHLEY, 0000
PHILIP E. KAISER, 0000
ROY D. KAMPHAUSEN, 0000
GREGORY C. KANE, 0000
CRAIG E. *KAUCHER, 0000
THOMAS J. KEEGAN, 0000
JOHN D. KEENAN, 0000
SHERRY B. KELLER, 0000
JEFFREY A. KELLY, 0000
THOMAS E. KELLY, 0000
DONALD J. KENNEDY, 0000
VANESSA M. KENNEDY, 0000
JAMES J. KENNEY, 0000
CLIFFORD J. KENT, 0000
MARGARET E. KENT, 0000
EDWARD J. KERTIS, JR., 0000
DANIEL R. KESTLE, 0000
CHARLES W. KIBBEN, 0000
HENRY A. KIEVENAAR III, 0000
STEVEN W. KIHARA, 0000
DION J. KING, 0000
GENE R. KING, 0000
KENNETH E. KING, 0000
ROBERT L. KING, 0000
STANLEY A. KING, 0000
RICHARD A. KIRK, SR., 0000
JOSEPH J. KLUMPP, 0000
RICHARD T. KNAPP, 0000
JAMES W. KNICKREHM, 0000
DOUGLAS J. KNIGHT, 0000
NAVEN J. KNUTSON, 0000
MICHAEL G. KOBA, 0000
WALTER B. KOCH, 0000
DONALD D. KOLTS, 0000
JOSEPH M. KOOLS, 0000
PETER D. KOWAL, 0000
SCOTT T. KRAWCZYK, 0000
PAUL E. KRAWIEC, 0000
JOHN W. KRESS, 0000
GEORGE C. KRIVO, 0000
CHESTER A. KROKOSKI, JR., 0000
MANFRED KROPP, JR., 0000
ROBERT E. KUCHARUK, 0000
JOHN KULIFAY, 0000
JEFFREY J. KULP, 0000
EDWIN J. KUSTER, JR., 0000
BRIGITTE T. KWINN, 0000
FRANK LACITIGNOLA, 0000
RICHARD A. LACQUEMENT, 0000
WILLIAM E. LAHUE, 0000
LONZEL LAKEY, 0000
PETER G. LAKY, 0000
DAVID A. LAMBERT, 0000
GARRETT R. LAMBERT, 0000
JAMES E. LAMKIN, 0000
CHRISTOPHER M. LANCASTER, 0000
KEVIN J. LANCASTER, 0000
LANE J. LANCE, 0000
RAYMOND R. LANGLAIS, JR., 0000
KERRY R. LARRABEE, 0000
JON A. LARSEN, 0000
ROBERT F. LARSEN, JR., 0000
STEVEN C. LARSON, 0000
BARRETT W. LARWIN, 0000
MICHAEL W. LATHAM, 0000
WILLIAM C. LATHAM, JR., 0000
RICHARD W. LAUGHLIN, 0000
DARRYL J. LAVENDER, 0000
DAVID C. LAWSON, 0000
BRIAN C. LEAKEY, 0000
TRACY L. LEAR, 0000
MELVIN R. LEARY, 0000
SHARON L. LEARY, 0000
JEFFREY P. LEE, 0000
RANDALL H. LEE, 0000
SUSAN D. LEEKRATZ, 0000
EDWARD R. LEFLER, 0000
JOHN C. LEGGETT, 0000
CHARLES S. LEITH, 0000
CLARK W. LEMASTERS, JR., 0000
ROY K. LEMBKE, 0000
CHARLES E. LENK, 0000
MICHAEL J. LENTZ, 0000
GERALD J. LEONARD, 0000
PAUL R. LEPINE, 0000
BARRY B. LESLIE, 0000
THERESA S. LEVER, 0000
BRETT G. LEWIS, 0000
LOUISE P. LEWIS, 0000
RALPH W. LIBERATI, JR., 0000
LARS T. LIDEN, 0000
JEFFREY C. LIEB, 0000
CINDY L. LINDQUIST, 0000
TROY L. LITTLES, 0000
KAREN F. LLOYD, 0000
JOHN F. LOEFSTEDT, 0000
KEVIN P. LOGAN, 0000
PAUL J. LOMBARDI, 0000
KENNETH E. LONG, 0000
JOHN C. LOOMIS, 0000
STEVEN E. *LOPEZ, 0000
WILLIAM M. LOUDEN, 0000
HARRY J. LUBIN, JR., 0000
JEFFERY K. LUDWIG, 0000
JASON C. LYNCH, 0000
NICKOLAS D. MAC CHIARELLA, 0000
ROBERT L. MAC KENZIE, 0000
JOHN W. MAGEE, 0000
THOMAS H. MAGNESS, 0000
MICHAEL T. MAHONEY, 0000
JOHN E. MALAPIT, 0000
MARK L. MALATESTA, 0000
GUY R. MALLOW, 0000
MARVIN S. MALONE, 0000
MICHAEL S. MALONEY, 0000
PATRICK M. MANNERS, 0000
BARRY G. MANNING, 0000
DAVID R. MANNING, 0000
EDWARD P. MANNING, 0000
TUCKER B. MANSAGER, 0000
DAVID L. MANVILLE, 0000
ERNEST P. MARCONE, 0000
RANDY J. MARCOZ, 0000
MATTHEW T. MARGOTTA, 0000
JOSEPH F. MARQUART IV, 0000
BERLIN L. MARSHALL, 0000
CHARLES W. MARSHALL, 0000
EDWARD F. MARSHALL III, 0000
THOMAS J. MARTIN, 0000
HECTOR MARTINEZ, 0000
JAVIER O. MARTINEZ, 0000
BRUCE C. MARTINSON, 0000
PETER A. MARTINSON, 0000
JORGE L. MAS, 0000
CHARLES F. MASKELL, 0000
DANNY T. MASON, 0000
EDWARD D. MASON, 0000
SHEILA L. MASON, 0000
JOHN H. MASTERSON, 0000
CHARLESETTA E. MATHIS, 0000
GREGORY J. MATTHIAS, 0000
JOHN M. MATTOX, 0000
DOUGLAS F. MATUSZEWSKI, 0000
MARSHALL K. MAY, 0000
MICHAEL S. MC BRIDE, 0000
TODD B. MC CAFFREY, 0000
RAY W. MC CARVER, JR., 0000
GEORGE D. MC CLORY, 0000
JOHN W. MC CLORY, 0000
DANIEL J. MC CORMICK, 0000
KIP A. MC CORMICK, 0000
RICHARD R. MC CRACKEN, JR., 0000
THOMAS V. MC CUE, 0000
JOSEPH C. MC DANIEL, JR., 0000
DANIEL J. MC DONALD, 0000
JOEL E. MC DONALD, 0000
MARCUS W. MC DOUGALD, 0000
JOEL D. MC GAHA, 0000
DUNCAN E. MC GILL, 0000
CHRISTOPHER J. MC GRATH, 0000
MICHAEL J. MC GUIRE, 0000
EDWARD J. MC HALE, 0000
TIMOTHY M. MC KANE, 0000
GARY M. MC KENNA, 0000
MICHAEL J. MC KENZIE, 0000
WILLIAM J. MC KIERNAN, 0000
STEPHEN MC KINNEY, 0000
WILLIAM T. MC KINNON, 0000
DANIEL S. MC LEAN, 0000
MARK A. MC MANIGAL, 0000
MICHAEL H. MC MURPHY, 0000
DAVID T. MC NEVIN, 0000
JOHN D. MC PEAK, JR., 0000
DENVER E. MC PHERSON, 0000
JOHN R. MC PHERSON, JR., 0000
LAWRENCE W. MC RAE, JR., 0000
KEVIN W. MC REE, 0000
BRYAN J. MC VEIGH, 0000
THADDEUS P. MC WHORTER, JR., 0000
JIMMY L. MEACHAM, 0000
TIMOTHY G. MEAD, 0000
SUSAN A. MEDLIN, 0000
MARVIN L. MEEK, 0000
BARBRA S. MELENDEZ, 0000
RICHARD C. MENCHI, 0000
ALBERT A. MENDENCE, 0000
FABIAN E. MENDOZA, JR, 0000
DEAN W. MENGEL, 0000
KURT H. MEPPEN, 0000
THOMAS E. MERCER, 0000
JAMES L. MERCHANT III, 0000
TIMOTHY E. MEREDITH, 0000
JOSEPH W. MERLO, 0000
SCOTT G. MESSINGER, 0000
KARL F. MEYER, 0000
SHEILA C. MICHELLI, 0000
JOHN P. MILLAR, 0000
BILLY D. MILLER, JR, 0000
CHRISTOPHER L. MILLER, 0000
DANIEL B. MILLER, 0000
DAVID M. MILLER, 0000
JAMES L. MILLER, 0000
JOHN W. MILLER III, 0000
KENT M. MILLER, 0000
MICHELLE A. MILLER, 0000
RICKY MILLER, 0000
WILLIAM K. MILLER, 0000
MICHELE D. MILLET, 0000
RONALD T. MILLIS, JR., 0000
STEPHEN J. MILLS, 0000
STEVEN J. MINEAR, 0000
JOHN C. MINTO II, 0000
WILLIAM B. MIRACLE, 0000
DANIEL G. MITCHELL, 0000
RONALD C. MIXAN, 0000
MYLES M. MIYAMASU, 0000
ROBERT K. MOCK, 0000
MARK G. MOFFATT, 0000
MARK J. MONGILUTZ, 0000
KYLE M. MONSEES, 0000
HOLLIE MONTGOMERY, JR., 0000
WILLIAM H. MONTGOMERY III, 0000
THOMAS K. MOONEY, 0000
BRIAN P. MOORE, 0000
DAVID M. MOORE, 0000
DAVID R. MOORE, 0000
MARK R. MOORE, 0000
WILLARD E. MOORE, 0000
LUIS A. MORAN, 0000
FRANKLIN J. MORENO, 0000

GREGORY L. MORGAN, 0000
ROBERT T. MORGAN, 0000
TERRY V. MORGAN, 0000
ROGER J. MORIN, 0000
JAMES K. MORNINGSTAR, 0000
STEPHEN B. MORRIS, 0000
MITCHELL T. MORROW, 0000
JON S. MOWERS, 0000
VINCENT J. MOYNIHAN, 0000
HUGH C. MUELLER, 0000
SEAN P. MULHOLLAND, 0000
DAVID P. MULLEN, 0000
FREDDY W. MULLINS, 0000
RANDY W. MUNN, 0000
KEVIN T. MURPHY, 0000
DANIEL P. MURRAY, 0000
RODNEY J. MURRAY, 0000
JOHN F. MYERS, 0000
MARY B. MYERS, 0000
ROGER E. MYERS, 0000
DAVID V. NABER, 0000
JAMES R. NAGEL, 0000
JOHN J. NAGY, 0000
PAUL M. NAKASONE, 0000
ERIC W. NANTZ, 0000
PATRICK J. NARY, 0000
MARSHALL S. NATHANSON, 0000
LEWIS C. NAUMCHIK, 0000
CLARENCE NEASON, JR., 0000
MICHAEL J. NEGARD, 0000
BRADFORD K. NELSON, 0000
BRADLEY K. NELSON, 0000
DANIEL C. NELSON, 0000
GEORGE A. NELSON, 0000
HAROLD W. NELSON III, 0000
ROBERT A. NELSON, 0000
GREGORY M. NETARDUS, 0000
PHILLIP T. NETHERY, 0000
CLAYTON T. NEWTON, 0000
ALAN W. *NEYLAND, 0000
RICHARD E. NICHOLS, JR., 0000
DAVID P. NICHTING, 0000
ANTHONY J. NICOLELLA, 0000
ELBERT NIEVES, 0000
CAROLYN H. NIX, 0000
ANDREW B. NOCKS, 0000
MICHAEL D. NORMAN, 0000
NANCY A. NYKAMP, 0000
MICHAEL B. OBEA, 0000
RANDALL W. O BRIEN, 0000
JOHN E. OCCHIPINTI, 0000
LYNN H. O CONNELL, 0000
PETER O CONNELL, 0000
ROBERT R. O CONNELL, 0000
SEAN P. O DAY, 0000
MOLLY A. O DONNELL, 0000
GREGORY P. OELBERG, 0000
JEFFREY S. OGDEN, 0000
JOSEPH K. OGLE, 0000
GERALD J. *O HARA, 0000
DEAN C. OLSON, 0000
JOHN E. O NEIL, 0000
ROBERT R. ORDONIO, 0000
KIM S. ORLANDO, 0000
PATRICK C. O ROURKE, 0000
DAVID L. OSKEY, 0000
EVELYN F. OSTROM, 0000
AUGUSTUS L. OWENS II, 0000
MICHAEL P. OWENS, 0000
VAN T. OXER, 0000
JOHN R. OXFORD, JR., 0000
JAMES E. OXLEY IV, 0000
JOSEPH V. PACILEO, 0000
FRANCISCO A. PANNOCCHIA, 0000
JAMES B. PARENTEAU, 0000
DAVID B. PARKER, 0000
WALTER Z. PARKER, 0000
DAVID G. PASCHAL, 0000
STEVEN W. PATE, 0000
GLENDON J. PATTEN, 0000
MARK C. PATTERSON, 0000
RANDOLPH L. PATTERSON, 0000
STEPHEN D. PAYNE, 0000
CHRISTOPHER W. PEASE, 0000
STEVEN M. PECORARO, 0000
CHRISTOPHER N. PEGUES, 0000
JACK A. PELLICCI, JR., 0000
DAVID M. PENDERGAST, 0000
WILLIAM J. PENNY, 0000
ROY E. PERKINS, 0000
THOMAS E. PERNELL, 0000
MICHAEL R. PERRY, 0000
ERIK C. PETERSON, 0000
MICHAEL A. PETERSON, 0000
TIMOTHY M. PETIT, 0000
JAMES C. PETROSKY, 0000
ROBERT G. PHELAN, JR., 0000
ROBERT A. PHILLIPS, 0000
JOHN A. PICCIUTO, JR., 0000
MARLYN R. PIERCE, 0000
ROBERT M. PIERCE, 0000
DAVID S. PIERSON, 0000
PHUONG T. PIERSON, 0000
THOMAS A. PIROLI, 0000
WALTER M. PJETRAJ, 0000
TIMOTHY B. PLATT, 0000
DAISY Y. PLEASANT, 0000
WILFRED J. PLUMLEY, JR., 0000
SANDY W. POGUE, 0000
DAVID J. POIRIER, 0000
KEVIN D. POLING, 0000
ARCHIE D. POLLOCK III, 0000
STEVEN A. POLLOCK, 0000
STUART R. POLLOCK, 0000
DOMINIC E. POMPELIA, JR., 0000
MICHAEL C. POPE, 0000
CARL D. PORTER, 0000
ROBERT J. PORTIGUE, JR., 0000
DAVID S. POUND, 0000
FRANKLIN A. POUST, JR., 0000
ROBERT A. POWELL, 0000
HARRY D. PRANTL, 0000
DONALD C. PRESGRAVES, 0000
MICHAEL C. PRESNELL, 0000
DAVID C. PRESS, 0000
ROGER A. PRETSCH, 0000
ROBERT E. PRICE, 0000
VINCENT L. PRICE, 0000
SCOTT A. PRINTZ, 0000
TIMOTHY R. PRIOR, 0000
CARL B. PRITCHARD III, 0000
ROBERT F. PROKOP, JR., 0000
BRIAN D. PROSSER, 0000
CHERI A. PROVANCHA, 0000
CHARLES A. PRYDE, 0000
JAMES W. PURVIS, 0000
JOHN E. QUACKENBUSH, 0000
ROBERT B. QUACKENBUSH, 0000
JOHN H. QUIGG, 0000
THOMAS T. QUIGLEY, 0000
PATRICIA A. QUINN, 0000
THOMAS W. QUINTERO, 0000
WILLIAM S. RABENA, 0000
JEFFREY D. RADCLIFFE, 0000
EDEN L. RADO, 0000
JAMES E. RAKER, 0000
JOSE M. RAMOS, 0000
ANDREW R. RAMSEY, 0000
JAMES H. RAMSEY, JR., 0000
STEVEN S. RATHBUN, 0000
THOMAS W. RAUCH, 0000
ANNETTE L. REDMOND, 0000
HAROLD W. REEVES, JR., 0000
WESLEY L. REHORN, 0000
JOHN M. REICH, 0000
ROBERT S. REILLY, 0000
ALLISON R. REINWALD, 0000
BRIAN R. REINWALD, 0000
GLENN D. REISWEBER, 0000
PATRICK A. REITER, 0000
GREGORY M. REULING, 0000
ANTHONY D. REYES, 0000
MICHAEL M. REYNOLDS, 0000
SCOTT M. REYNOLDS, 0000
GREGORY K. RHOADES, 0000
DAVID J. RICE, 0000
MATTHEW A. RICHARDS, 0000
ANTHONY J. RICHARDSON, 0000
CHERYL D. RICHARDSON, 0000
LAURA J. RICHARDSON, 0000
JOHN E. RICHERSON, 0000
KENNETH H. RIDDLE, 0000
THOMAS C. RIDDLE, 0000
WESLEY A. RIDDLE, 0000
ROBERT J. RIELLY, 0000
STEVEN E. RIENSTRA, 0000
KAROL L. RIPLEY, 0000
DONNA E. RIVERA, 0000
GILBERT RIVERA, 0000
HECTOR R. RIVERA, 0000
RICARDO M. RIVERA, 0000
GLENN A. RIZZI, 0000
CHRISTOPHER J. RIZZO, 0000
FRANKLIN D. ROACH, 0000
WILLIAM G. ROBERTS, 0000
BRUCE E. ROBINSON, 0000
KEITH W. ROBINSON, 0000
TERRILL S. ROBINSON, 0000
DAVID P. RODGERS, 0000
JAMES G. RODGERS, 0000
CHARLES V. ROGERSON, 0000
FREDERICK P. ROITZ, 0000
DREXEL K. ROSS, 0000
BARRY A. ROTH, 0000
GLEN G. ROUSSOS, 0000
CHARLES P. ROYCE, 0000
HOWARD M. RUDAT, 0000
KURT W. RUNGE, 0000
STEPHEN M. RUSIECKI, 0000
JOHN K. RUSSELL, 0000
JOHN A. RUTT, 0000
STEPHEN E. RYAN, 0000
TIMOTHY M. RYAN, 0000
MICHAEL T. SACKOS, 0000
MICHAEL R. SAFFORD, 0000
HECTOR A. SALINAS, 0000
WILLIAM R. SALTER, 0000
ROBERT L. SALVATORELLI, 0000
JOHN L. SALVETTI, 0000
VICTOR H. SAMUEL, 0000
ALLAN J. SANCHEZ, 0000
JEFFREY R. SANDERSON, 0000
SABRINA M. SANFILLIPO, 0000
DEBRA A. SANNWALDT, 0000
PHILIP A. SARGENT, 0000
MICHAEL P. SAULNIER, 0000
ROGER SAVAGE, 0000
GREGORY L. SAWYER, 0000
MILTON L. SAWYERS, 0000
EDWARD A. SBROCCO, 0000
MATTHEW C. SCHAFER, 0000
THOMAS SCHAIDHAMMER, 0000
EMMETT M. SCHAILL, 0000
MICHAEL E. SCHALLER, 0000
BLAIR A. SCHANTZ, 0000
RICHARD S. SCHEELS, 0000
PARKER B. SCHENECKER, 0000
STEVEN M. SCHENK, 0000
STEPHEN M. SCHILLER, 0000
SCOTT A. SCHMIDT, 0000
JOYCE M. SCHOSSAU, 0000
RICHARD P. SCHREIBER III, 0000
JOHN G. SCHULTE, 0000
GREGORY B. SCHULTZ, 0000
JOHN C. SCHULZ, 0000
RUDY E. SCHULZ, 0000
ERIC C. SCHWARTZ, 0000
THERESA R. SCISNEY, 0000
GEORGE B. SCOTT, 0000
KARL R. SEABAUGH, 0000
JAMES T. SEIDULE, 0000
PAUL T. SEITZ, 0000
RONALD E. SELDON, 0000
JACKSON D. SELF, 0000
ROBIN M. SELK, 0000
TERRY L. SELLERS, 0000
MICHAEL SENTERS, 0000
ANDREW B. SEWARD, 0000
LAURA J. SHALLY, 0000
CHRISTOPHER A. SHALOSKY, 0000
RANDAL S. SHANNON, 0000
STEVEN A. SHAPIRO, 0000
STEVEN R. SHAPPELL, 0000
DOROTHY A. SHAUL, 0000
ARTHUR J. SHAW, 0000
ROBERT M. SHEPPARD, 0000
ERNEST T. SHERRILL, 0000
SCOTT E. SHIFRIN, 0000
STEVEN T. SHOEMAKER, 0000
RICHARD A. SHORE, 0000
STEPHEN A. SHUSTER, 0000
MARIANNE SICILIA, 0000
ROBERT M. SIMMONS, 0000
KAREN L. SINCLAIR, 0000
STEVEN SINGLETON, 0000
MICHAEL J. SIPPEL, 0000
STEVEN A. SLIWA, 0000
CHERYL L. SMART, 0000
ALLEN R. SMITH, 0000
ANTHONY L. SMITH, 0000
BOBBY L. SMITH, 0000
ERIC E. SMITH, 0000
FLOYD B. SMITH, JR., 0000
GARY S. SMITH, JR., 0000
KEVIN L. SMITH, 0000
LORENZO SMITH III, 0000
MICHAEL J. SMITH, 0000
PAUL L. SMITH, 0000
PERRY R. SMITH, 0000
ROGER D. SMITH, 0000
STEPHEN C. SMITH, 0000
STEPHEN V. SMITH, 0000
STEPHEN V. SMITH, 0000
THOMAS P. SMITH, 0000
EUGENIA H. SNEAD, 0000
RICHARD L. SOBRATO, JR., 0000
NANCY A. SOLER, 0000
MIRACLE D. SOLLEY, 0000
GEORGE R. SORENSEN, 0000
NILS C. SORENSON, 0000
STEVEN SORRELL, 0000
CARLOS L. SOTO, 0000
WILLIAM C. SOUTHARD, 0000
JOSEPH A. SOUTHCOTT, 0000
THOMAS H. SPECK, 0000
VINCENT R. SPEECE, 0000
JOHN M. SPISZER, 0000
JEFFREY A. SPRINGMAN, 0000
JAMES E. SPURRIER, 0000
WILLIAM R. STANLEY, 0000
BERNARD L. STANSBURY, 0000
THOMAS J. STAPLETON, 0000
RICHARD A. STARKEY, 0000
RICHARD L. STCLAIR, 0000
GLENN T. STEFFENHAGEN, 0000
RONALD A. STEPHENS, 0000
LLOYD A. STEPHENSON, 0000
JOHN G. STERGIUS, 0000
WILLIAM J. STERNHAGEN, 0000
ANDREW W. STEWART, 0000
GREGORY E. STEWART, 0000
LEE G. STEWART, 0000
MARK E. STEWART, 0000
JEFFREY I. STIEFEL, 0000
BEATRICE STIGALL, 0000
JEFFREY A. STIMSON, 0000
CAROL B. STJOHN, 0000
LEROY L. STOCKLAND, 0000
JAMES L. STOCKMOE, 0000
ROBERT J. STONE, JR., 0000
DANIAL K. STREET, 0000
LUTIE J. STRIFE, 0000
MELISSA A. STURGEON, 0000
WILLIAM K. SUCHAN, 0000
JON D. SULLENBERGER, 0000
JOHN R. SUTHERLAND II, 0000
TIMOTHY J. SUTLIEF, 0000
JOHN E. SUTTLE, 0000
KERRY L. SUTTON, 0000
JAMES P. SWEENEY, 0000
DAVID E. SWIFT, 0000
PHILIP L. SWINFORD, 0000
JEFF B. SWISHER, 0000
RODNEY W. SYMONS II, 0000
ERNEST A. SZABO, 0000
GEORGE L. TANNER, 0000
THOMAS H. TATUM, JR., 0000
DAVID B. TAYLOR, 0000
JOHN TAYLOR, 0000
JOHN E. TAYLOR, 0000
ROBERT J. TAYLOR, JR., 0000
RONALD K. TAYLOR, JR., 0000
CHRISTOPHER C. TEASLEY, 0000
LOUIS R. TENUTA, 0000
CRAIG E. TERRY, 0000
DENNIS D. TEWKSBURY, 0000
JEROME E. THOMAS, 0000
SCOTT D. THOMAS, 0000
DENNIS M. THOMPSON, 0000
MARK A. THOMPSON, 0000
JEANNIE L. TIBBETTS, 0000

JOHN R. TIERNEY, 0000
BLAIR A. TIGER, 0000
ROBERT G. TIMPANY, 0000
FRANKLIN J. TIPTON, 0000
DANE S. TKACS, 0000
VINCENT M. TOBIN, 0000
JAMES F. TODD, 0000
BILLY G. TOLLISON, 0000
CHRISTOPHER J. TONE, 0000
JUAN E. TORO, 0000
JAMES M. TRACY, 0000
DAVID W. TREESE, 0000
DAVID L. TRELEAVEN, 0000
JOHN M. TRIPPON, 0000
WALLACE J. TUBELL, JR., 0000
HARRY D. TUNNELL IV, 0000
CLARENCE D. TURNER, 0000
MARK P. TURNER, 0000
MICHAEL W. TURNER, 0000
RANDALL E. TWITCHELL, 0000
THOMAS E. TYRA, 0000
ROBERT J. ULSES, 0000
ANDREW P. ULSHER, 0000
STEWART A. UNDERWOOD, 0000
CATHERINE F. UTNIK, 0000
JAMES A. VAGLIA, 0000
KEVIN J. VALLANDINGHAM, 0000
NUYS W. VAN, 0000
CHARLES W. VANBEBBER, 0000
MICHAEL J. VANRASSEN, 0000
ERIC N. VANVLIET, 0000
BRUCE E. VARGO, 0000
BRIAN K. VAUGHT, 0000
PAUL C. VEILLEUX, 0000
MIGUEL VERGARA III, 0000
JOHN D. VERNON, 0000
WILLIAM E. VICKERS, 0000
BRIAN R. VINES, 0000
LEE R. VINSON, 0000
VANCE P. VISSER, 0000
SHAFER K. VLAHOS, 0000
GARY J. VOLESKY, 0000
KIRK F. VOLLMECKE, 0000
ERIC J. VONTERSCH, 0000
DONALD P. VTIPIL, JR., 0000
BRIAN D. WADE, 0000
STEPHEN E. WALKER, 0000
KEVIN L. WALLER, 0000
KEITH W. WALLEY, 0000
DAMON T. WALSH, 0000
PATRICK J. WALSH, 0000
SHAWN P. WALSH, 0000
CRAIG S. WALTERS, 0000
ROBERT P. WALTERS, JR., 0000
ROBERT A. WARBURG, 0000
CLEMMIE L. WARD, 0000
WARD D. WARD, 0000
MATTHEW WARREN, 0000
TANIA M. WASHINGTON, 0000
CELIA WEBB, 0000
GRANT A. WEBB, 0000
THOMAS D. WEBB, 0000
FRIEDRICH N. WEHRLI, 0000
BRETT D. WEIGLE, 0000
ERIC P. WENDT, 0000
ROBERT W. WERTHMAN, 0000
ALLEN B. WEST, 0000
CARY S. WESTIN, 0000
SCOTT A. WESTLEY, 0000
DAVID C. WESTON, 0000
JAMES E. WHALEY III, 0000
CHRISTOPHER F. WHITE, 0000
DANIEL J. WHITE, 0000
RANDALL S. WHITE, 0000
ROBERT P. WHITE, 0000
SAMUEL R. WHITE, JR., 0000
MICHAEL G. WICKMAN, 0000
RICHARD E. WIERSEMA, 0000
JAMES T. WIGGINS, 0000
MELIA A. WILEY, 0000
DAVID L. * WILK, 0000
ANTHONY R. WILLIAMS, 0000
BENNIE WILLIAMS, JR., 0000
CHARLES E. WILLIAMS, 0000
DANIEL E. WILLIAMS, 0000
DAVID M. WILLIAMS, 0000
DWAYNE T. WILLIAMS, 0000
JOHN D. WILLIAMS, 0000
MARK A. WILLIAMS, 0000
MICHAEL C. WILLIAMS, 0000
MICHAEL S. WILLIAMS, 0000
TIMOTHY R. WILLIAMS, 0000
WILLIAM S. WILLIFORD, 0000
EMMA C. WILSON, 0000
GREGORY R. WILSON, 0000
ROGER A. WILSON, JR., 0000
RICHARD C. WINK, 0000
BRIAN C. WINTERS, 0000
DAVID A. WISECARVER, 0000
SHARON L. WISNIEWSKI, 0000
JEFFREY S. WITT, 0000
CLIFFORD J. WOJTALEWICZ, 0000
FREDERICK S. WOLF III, 0000
JAMES T. WOOD, JR., 0000
JEFFRY G. WOOD, 0000
WARD W. WOOD, 0000
WILLIAM W. WOOD, 0000
GEORGE E. WOODARD, JR., 0000
KEVIN M. WOODS, 0000
STEPHEN M. WOOLWINE, 0000
KEVIN W. WRIGHT, 0000
MILLICENT J. WRIGHT, 0000
DALE L. WRONKO, 0000
SCOTT G. WUESTNER, 0000
JEFFREY K. YOUNG, 0000
KENNETH A. YOUNG, 0000
MARK A. YOUNG, 0000
BARBARA L. ZACHARCZYK, 0000
STEPHEN R. ZELTNER, 0000
MICHAEL A. ZEMBRZUSKI, 0000
CHRISTOPHER H. ZENDT, 0000
KELLY A. ZICCARELLO, 0000
DARREN B. ZIMMER, 0000
AARON M. ZOOK, JR., 0000
JAMES M. ZUBA, 0000
AIDIS L. ZUNDE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

JACK G. ABATE, 0000
RANDY M. ADAIR, 0000
STEVEN W. ALDRIDGE, 0000
JEFF R. BAILEY, 0000
RAYMOND E. BARNETT, 0000
DANNY A. BEAM, 0000
RICHARD D. BEDFORD, 0000
KERRY A. BERG, 0000
MARK F. BIRK, 0000
JOHN M. BISHOP, 0000
DONALD L. BOHANNON, 0000
DAVID G. BOONE, 0000
STEVE K. BRAUND, 0000
MICHAEL L. BRYAN, 0000
WILLIAM A. BURWELL, 0000
MONTY A. CAMPBELL, 0000
RANDY O. CARTER, 0000
PETER D. CHARBONEAU, 0000
RODNEY W. CLAYTON, 0000
TIMOTHY M. COOLEY, 0000
CRANE P. DAUKSYS, 0000
CARL F. DAVIS, 0000
DAVID M. ELLIS, 0000
JOHN D. ESTEP, 0000
KENRICK G. FOWLER, 0000
SCOTT D. FRANCOIS, 0000
STEVEN R. FREDEEN, 0000
DALE W. GANT, 0000
DAVID R. GEHRLEIN, 0000
STEVE L. GOBER, 0000
JOSE GONZALEZ, 0000
JAMES A. GRIFFITHS, 0000
BERNARD J. GRIMES, 0000
ROBERT L. HANOVICH, 0000
KENNETH E. HANSEN, 0000
JASON A. HIGGINS, 0000
KENNETH L. KELSAY, 0000
BYRON KING, 0000
JAMES KOLB, 0000
JACOB D. LEIGHTY III, 0000
KIRKLAND P. MARTIN, JR., 0000
PETER W. MC DANIEL, 0000
RONALD D. MC FAUL, 0000
THOMAS MC MILLAN, 0000
TIMMIE G. MC PHERSON, 0000
CHARLES A. MILLER, 0000
JAMES P. MILLER, JR., 0000
MICHAEL A. MINK, 0000
DANNY R. MORALES, 0000
EUGENE L. MORIN, JR., 0000
LEO T. MUNDAY, 0000
EARL E. NASH, 0000
JAMES J. ODRISCOLL, 0000
JOHN G. OLIVER, 0000
JULIO R. PIRIR, 0000
BALWINDAR K. RAWALAYVANDEVOORT, 0000
ANTHONY F. RETTERER, 0000
JOE G. SANCHEZ, 0000
ROGER W. SCAMBLER, 0000
SCOTT E. SCHECHTER, 0000
TIM J. SCHROEDER, 0000
SCOTT A. SHARP, 0000
CAMILLE C. SMITH, 0000
WILLIAM B. SMITH, 0000
CHARLES B. SPENCER, 0000
DAVID H. STEPHENS, 0000
DANIEL D. STORM, 0000
ANDREW N. SULLIVAN, 0000
MICHAEL D. SURVILAS, 0000
JOHN A. TANINECZ, 0000
MARC TARTER, 0000
JUDITH A. WADE, 0000
JEFFREY G. YOUNG, 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 lieutenant commander*

KEITH R. BELAU, 0000

DEPARTMENT OF DEFENSE

ROBERT N. SHAMANSKY, OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

TROY HAMILTON CRIBB, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE ROBERT S. LARUSSA.

THE JUDICIARY

DAVID STEWART CERCONE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE ROBERT J. CINDRICH, UPON ELEVATION.

HARRY PETER LITMAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE ALAN N. BLOCH, RETIRED.

## CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 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 lieutenant general*

MAJ. GEN. RAYMOND P. HUOT, 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*

LT. GEN. THOMAS R. CASE, 0000

IN THE ARMY

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. ALEXANDER H. BURGIN, 0000

*To be brigadier general*

COL. JONATHAN P. SMALL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. FREDDY E. MCFARREN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. MICHAEL L. DODSON, 0000

NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) WILLIAM J. LYNCH, 0000
REAR ADM. (LH) JOHN C. WEED JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) DANIEL H. STONE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. MICHAEL D. HASKINS, 0000

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

*To be rear admiral (lower half)*

CAPT. CLINTON E. ADAMS, 0000
CAPT. STEVEN E. HART, 0000
CAPT. LOUIS V. IASIELLO, 0000
CAPT. STEVEN W. MAAS, 0000
CAPT. WILLIAM J. MAGUIRE, 0000
CAPT. JOHN M. MATECZUN, 0000
CAPT. ROBERT L. PHILLIPS, 0000
CAPT. DAVID D. PRUETT, 0000
CAPT. DENNIS D. WOOFTER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. SCOTT A. FRY, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be colonel*

MICHAEL R. MAROHN, 0000

IN THE ARMY

ARMY NOMINATIONS BEGINNING ROBERT S. ADAMS JR. AND ENDING SHARON A. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

ARMY NOMINATIONS BEGINNING KELLY L ABBRESCIA, AND ENDING TIMOTHY J ZEIEN II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

*To be lieutenant*

ELIZABETH A. ASHBURN, 0000

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 lieutenant colonel*

THOMAS J. CONNALLY, 0000

MARINE CORPS NOMINATIONS BEGINNING AARON D. ABDULLAH, AND ENDING DANIEL M. ZONAVETCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2000.

NAVY

NAVY NOMINATIONS BEGINNING THOMAS A. ALLINGHAM, AND ENDING JOHN W. ZINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2000.

NAVY NOMINATIONS BEGINNING ROY I. APSELOFF, AND ENDING JOHN D. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2000.

NAVY NOMINATIONS BEGINNING DONALD M. ABRASHOFF, AND ENDING CHARLES ZINGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2000.