S. 751. A bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. BINGAMAN):

S. 752. A bill to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for himself, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 753. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EDWARDS (for himself and Mr. HELMS):

S. 754. A bill to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the ''Terry Sanford Federal Building''; read the first time.

By Mr. HATCH (for himself, Mr. NICKLES, Mr. THURMOND, Mr. BIDEN, Mr. KENNEDY, Mr. SESSIONS, Mr. ABRAHAM, Mr. KOHL, Mr. LIEBERMAN, Mr. HELMS, Mr. SCHUMER, and Mr. DEWINE):

S. 755. A bill to extend the period for compliance with certain ethical standards for Federal prosecutors; read the first time.

By Mrs. LINCOLN (for herself, Mr. BREAUX, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, Mrs. HUTCHISON, Mr. BOND, Mr. GRAMM, Mr. HUTCHINSON, and Mr. ASHCROFT):

S. 756. To provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year; considered and passed.

By Mr. LUGAR (for himself, Mr. KERREY, Mr. HAGEL, Mr. THOMAS, Mr. SMITH of Oregon, Mr. GRAMS, Mr. ROBB, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. COCHRAN, Mr. DOMENICI, Mr. LOTT, Mr. SANTORUM, Mr. BURNS, Mr. ALLARD, Mr. JOHNSON, Mrs. HUTCHISON, Mr. CHAFEE, Mr. GORTON, Mr. BREAUX, Mrs. MURRAY, Mr. DORGAN, Mr. CRAPO, Mr. BAUCUS, Mrs. LINCOLN, Mr. CONRAD, Mr. BOND, and Mr. ROBERTS):

S. 757. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

By Mr. ASHCROFT (for himself, Mr. HATCH, Mr. DODD, Mr. SESSIONS, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. TORRICELLI, Mr. SMITH of New Hampshire, and Mr. SCHUMER):

S. 758. A bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. TORRICELLI, Mr. BURNS, and Mr. REID):

S. 759. A bill to regulate the transmission of unsolicited commercial electronic mail on the Internet, and for other purposes.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN):

S. 760. A bill to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands in the 50 States Commemorative Coin Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. MCCAIN, Mr. WYDEN, and Mr. BURNS):

S. 761. A bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM:

S. 762. A bill to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park; to the Committee on Energy and Natural Resources.

By Mr. SMITH of New Hampshire (for himself, Mr. SHELBY, and Mr. HELMS):

S.J. Res. 16. A joint resolution proposing a constitutional amendment to establish limited judicial terms of office; to the Committee on the Judiciary.

By Mr. SHELBY:

S.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LOTT:

S. Res. 75. A resolution reconstituting the Senate Arms Control Observer Group as the Senate National Security Working Group and revising the authority of the Group; considered and agreed to.

S. Con. Res. 23. A concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives; considered and agreed to.

By Mr. LUGAR:

S. Con. Res. 24. A bill to express the sense of the Congress on the need for United States to defend the American agricultural and food supply system from industrial sabotage and terrorist threats; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 713. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence whaling; to the Committee on Finance.

NATIVE ALASKAN SUBSISTENCE WHALING ACT OF 1999

Mr. MURKOWSKI. Mr. President, I rise on behalf of myself and Senator STEVENS to introduce legislation that would resolve a dispute that has existed for several years between the IRS and native whaling captains in my state. Our legislation would amend the Internal Revenue Code to ensure that a charitable donation tax deduction would be allowed for native whaling captains who organize and support subsistence whaling activities in their communities.

Subsistence whaling is a necessity to the Alaska Native community. In many of our remote village communities, the whale hunt is a tradition that has been carried on for generations over many millennia. It is the custom that the captain of the hunt make all provisions for the meals, wages and equipment costs associated with this important activity.

In most instances, the Captain is repaid in whale meat and muktuck, which is blubber and skin. However, as part of the tradition, the Captain is required to donate a substantial portion of the whale to his village in order to help the community survive.

The proposed deduction would allow the Captain to deduct up to $7,500 to help defray the costs associated with providing this community service.

Mr. President, I want to point out that if the Captain incurred all of these expenses and then donated the whale meat to a local charitable organization, the Captain would almost certainly be able to deduct the costs he incurred in outfitting the boat for the charitable purpose. However, the cultural significance of the Captain's sharing the whale with the community would be lost.

This is a very modest effort to allow the Congress to recognize the importance of this part of our Native Alaskan tradition. When this measure passed the senate two years ago, the Joint Committee on Taxation estimated that this provision would cost a mere three million dollars over a 10 year period. I think that is a very small price for preserving this vital link with our natives' heritage.

I ask unanimous consent that the text of the legislation be included in the RECORD.

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

S. 713

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 ''Native Alaskan Subsistence Whaling Act of 1999''.

SEC. 2. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.—

''(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $7,500 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

''(2) AMOUNT DESCRIBED.—

''(A) IN GENERAL.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities.

''(B) WHALING EXPENSES.—For purposes of subparagraph (A), the term 'whaling expenses' includes expenses for—

''(i) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

''(ii) the supplying of food for the crew and other provisions for carrying out such activities, and

''(iii) storage and distribution of the catch from such activities.

''(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 714. A bill to amend the Internal Revenue Code of 1986 to maintain exemption of Alaska from dyeing requirements for exempt diesel fuel and kerosene; to the Committee on Finance.

DIESEL DYEING EXEMPTION FOR ALASKA

Mr. MURKOWSKI. Mr. President, today I am joined by Senator TED STEVENS in introducing legislation that would clarify a provision in the tax code that exempts the State of Alaska from the IRS diesel dyeing rules.

The Small Business Job Protection Act of 1996 included a provision that exempted Alaska from the diesel dyeing requirements during the period the state was exempted from the Clean Air Act low sulfur diesel dyeing rules. For various reasons, it was believed at the time that Alaska would ultimately be permanently exempted from the Clean Air Act rules. However, technological changes suggest that Alaska may in the next few years lose its exemption from the low sulfur rules.

However, in our view, whether Alaska is exempted from the low sulfur rules, it is imperative that Alaska be permanently exempted from the IRS diesel dyeing rules. That is what our bill does.

Today, more than 95 percent of all diesel fuel used in Alaska is exempt from tax because it is used for heating, power generation, or in commercial fishing boats. Under the diesel dyeing rules in place in 49 states, exempt diesel must be dyed. If these diesel dyeing rules were applied to Alaska, refiners would have to buy huge quantities of dye, along with expensive injection systems, to dye all of this non-taxable diesel fuel.

Although the Joint Tax Committee originally estimated in 1996 that repealing the dyeing rules for Alaska could cost the Treasury $500,000 a year, some refiners were spending as much as $750,000 on dye alone. Add on another $100,000 for injection systems and you begin to wonder what happened to common sense regulation. Congress saw it that way and decided to exempt Alaska. Now that exemption should be made permanent.

Approximately 65 percent of the state's communities are served solely by barges. For many of these communities, the fuel oil barge comes in only once a year when the waterways are not frozen. It is absurd to require these communities to build a second storage facility for undyed taxable fuel simply for the few vehicles in town that are subject to tax.

It is currently projected that the state will have to spend from $200 million to $400 million just to repair fuel storage tanks in hundreds of rural communities because of leaking fuel problems. If IRS dyeing rules were in place, millions more would have to be spent simply to maintain a small supply of taxable diesel in each of these communities.

Mr. President, in 1996, Congress acted sensibly in exempting Alaska from the IRS diesel dyeing rules. It is my hope that we will again see the wisdom of exempting Alaska, this time making it a permanent exemption.

I ask unanimous 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. 714

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

(a) EXCEPTION TO DYEING REQUIREMENTS FOR EXEMPT DIESEL FUEL AND KEROSENE.—Paragraph (1) of section 4082(c) of the Internal Revenue Code of 1986 (relating to exception to dyeing requirements is amended to read as follows:

''(1) removed, entered, or sold in the State of Alaska for ultimate sale or use in such State, and''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to fuel removed, entered, or sold on or after the date of the enactment of this Act.

By Mrs. MURRAY (for herself, Mr. WYDEN and Mr. BAUCUS):

S. 715. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Energy and Natural Resources.

HANFORD REACH WILD AND SCENIC RIVER LEGISLATION

Mrs. MURRAY. Mr. President, today I am introducing legislation to establish the Hanford Reach of the Columbia River as a Wild and Scenic River. Simply stated, this is the best, most cost-effective, and smartest way to protect the Northwest's dwindling wild salmon runs.

The Hanford Reach is an extraordinary and unique place.

While most of the Columbia River Basin was being developed during the middle of this century, the Hanford Reach and other buffer areas within the Hanford Nuclear Reservation were kept pristine, ironically, by the same veil of secrecy and security that lead to the notorious nuclear and chemical contamination of the central Hanford Site. Today, these relatively undisturbed areas are the last wild remnants of a great river and vast ecological community that have been tamed by dams, farms, and other development elsewhere.

As the last free-flowing stretch of the Columbia River, the significance of the Hanford Reach cannot be overstated. Mile for mile, it contains some of the most productive and important fish spawning habitat in the lower 48 states. The volume and velocity of the cool, clear waters of the Columbia River produce ideal conditions for spawning and migrating salmon. The Reach produces eighty percent of the Columbia Basin's fall chinook salmon, as well as thriving runs of steelhead trout and sturgeon. It is the only truly healthy segment of the mainstem of the Columbia River.

The Reach is also rich in other natural and cultural resources. Bald eagles, wintering and migrating waterfowl, deer, elk, and a diversity of other wildlife depend on the Reach. It is home to dozens of rare, threatened, and endangered plants and animals, some found only in the Reach. Native American culture thrived on the shores and islands of the Reach for millennia, and there are over 150 archeological sites in the proposed designation, some dating back more than 10,000 years. The Reach's naturally spawning salmon and cultural sites remain a vital part of the culture and religion of Native American groups in the area.

It is remarkable that the Reach offers so much in such close proximity to the cities of Kennewick, Pasco, and Richland, Washington. The Reach offers residents and visitors recreation of many types—from hunting, fishing, and hiking to kayaking, waterskiing,

and birdwatching—and adds greatly to the quality of life and economy of the area.

Back in 1994, only the locals in and around the Tri-Cities had heard about the last-free flowing stretch of the mighty Columbia River. Several residents had been working more than thirty years to save the Reach and they got me involved to do the same. They showed me what a precious resource the Hanford Reach is, and I promised to do everything in my power to protect it.

I convened a Hanford Reach Advisory Panel to develop a consensus plan to protect the river corridor. Their work has been the basis of the bills I have introduced in the past and that I am introducing today, and builds on the foundation begun by Senators Dan Evans and Brock Adams, and Congressman Sid Morrison who enacted legislation imposing a moratorium on development within the river corridor in 1987.

I am confident this is the year we will finally achieve our goals and create a new Wild and Scenic River. We cannot wait any longer to save the Reach. Since the recent listing of the Puget Sound chinook, everyone across the Northwest is focused on what we all must do to save our wild salmon.

Designating the Hanford Reach as a Wild and Scenic River is the simplest and most effective way to provide real, permanent protection for our wild salmon stocks. Only under the Wild and Scenic Rivers Act will we get the expertise, resources and permanency that federal management agencies, like the U.S. Fish and Wildlife Service, provide. The Wild and Scenic Rivers Act is recognized as the best way to protect endangered rivers across the nation. The Reach deserves no less than the best.

And this designation will not cost a penny. The land surrounding the river is already publicly held. The Department of Energy owns land on both sides of the river, so no private lands will be acquired or taken out of production to save this special place.

In addition to public ownership, this section of the river is in superb ecological condition. It offers the best salmon spawning grounds on the mainstem of the Columbia. It will not require the millions of dollars for remediation that we've spent on other rivers and streams across the country. All the Hanford Reach requires is our protection, and it will continue to produce salmon runs unsurpassed anyplace in the region.

Creating a Wild and Scenic River will help us avoid drastic measures like breaching the dams along the Columbia and Snake River systems to restore salmon. The recent Endangered Species Act listing of nine more northwest salmon runs as threatened, is another indication that we must take immediate action. Protecting the Reach is an insurance policy against the future possibility of expensive clean-up efforts and lawsuits. We must make this investment now to demonstrate we're serious about protecting not only wild salmon, but also the economic and social structure in the inland West.

This bill differs from my previous legislation in some important ways. Not only does it create a federally-designated recreational Wild and Scenic River, it also establishes an innovative management approach through the creation of a multi-party commission. The management commission will develop a plan to guide the US Fish and Wildlife Service and will be comprised of three federal representatives from the Departments of Energy, Interior, and Commerce (National Marine Fisheries Service); three Washington state representatives from the Departments of Fish and Wildlife, Ecology, and Community, Trade and Economic Development; three representatives of local government from the counties of Benton, Grant, and Franklin; three tribal representatives from the Yakama, Umatilla, and Nez Perce peoples; and three local citizen representatives from conservation, recreation, and business interests.

This bill also takes us a step closer to consolidating lands on the Hanford reservation itself in order to facilitate economic development, preservation of sacred tribal sites, and protection of important biological resources. It requires the Bureau of Land Management (BLM) and the Department of Energy to examine the best ways to consolidate BLM lands on the south side of the river on the Hanford site. It establishes the objectives of the study to clear title to lands along the railroad and in the 200 Area for industrial development; to protect wildlife and native plants; and to preserve cultural sites important to Native Americans.

This bill does not address the critical and sensitive lands of the North Slope (also known as the Wahluke Slope) because the land is still needed by the Department of Energy for safety reasons. However, I hope to work through the administrative process to ensure these lands are not disturbed in any way that could possibly impact the healthy salmon spawning grounds below the White Bluffs. I remain committed to enlarging the existing Saddle Mountain National Wildlife Refuge because, again, I am convinced we must provide the strongest, surest protection for the North Slope to offer our wild salmon their best hope for survival.

At a time when the Pacific Northwest is spending hundreds of millions of dollars annually on restoration and enhancement efforts, and struggling to restore declining salmon runs, protecting the Hanford Reach is the most cost-effective measure we can take. That is why the Northwest Power Planning Council, Trout Unlimited, conservation groups, tribes, and many other regional interests involved in the salmon controversy all support designation of the Reach under the National Wild and Scenic Rivers Act.

These are some of the many good reasons for this Congress to take up and pass this legislation to ensure the Hanford Reach becomes a part of the National Wild and Scenic Rivers System. I urge the other members of Congress to join us in demanding the permanent protection of this river. It has given us so very much. The least we can do for the Columbia River is to protect the last fifty-one miles of free-flowing waters and the wild salmon that call it home.

By Mr. KOHL:

S. 716. A bill to provide for the prevention of juvenile crime, and for other purposes; to the Committee on the Judiciary.

THE 21ST CENTURY SAFE AND SOUND COMMUNITIES ACT

Mr. KOHL. Mr. President, I rise to introduce a proposal for reducing juvenile crime—the ''21st Century Safe and Sound Communities Act.'' In the past few years, we have begun to make real advances in fighting youth violence; in fact, in cities across the country, juvenile crime has started to fall. For example, in three ''Weed & Seed'' neighborhoods in Milwaukee, violent felonies dropped 47 percent, gun crimes fell 46 percent, and crime overall was down 21 percent. And after Boston implemented a citywide anti-crime plan, the number of juveniles murdered declined 80 percent, and in more than two years not a single child was killed by a gun. Not one child. Through a program called ''Safe and Sound,'' I have already worked hard with other public officials and business leaders to expand Milwaukee's success citywide. Now we need to build on what works, in order to protect our children and to make as many of our communities across the nation ''safe and sound.'' This measure will be an important step in the right direction.

We do not have to reinvent the wheel to reduce juvenile crime. The lesson from Milwaukee, Boston and other cities is clear. There is no single magic solution, but a number of steps, taken together, can and will make a difference: put dangerous criminals behind bars; keep guns out of the hands of juveniles; and create after-school alternatives to gangs and drugs. That's what works, and that's what this proposal is all about. It builds on each of these three basic strategies and expands them to more cities and more rural communities across the nation. Let me explain.

First, we can't even begin to stop violent kids unless we have police officers on the street to catch them, and

state and local prosecutors to try them. So this proposal makes it easier to lock up dangerous juveniles by extending the highly successful COPS program, which is due to expire after next year, through the year 2004. That will allow us to hire at least 50,000 new community police officers. And it provides $100 million per year for state and local prosecutors to go after juvenile criminals.

Of course, we can't keep criminals off the streets unless we have a place to send them. Unfortunately, although we provide states with hundreds of millions of dollars each year to build new prisons, most states use all of these funds for adult prisons only. So this measure requires states to set aside 10 percent of federal prison funding to juvenile prisons or alternative placements of delinquent children. This commitment is consistent with dedicated funding for juvenile facilities in the Senate-passed 1994 crime bill, which set the stage for spending billions of dollars on prisons through the 1994 Crime Act.

This proposal also helps rural communities keep dangerous kids behind bars. Now, although the closest juvenile facility may be hundreds of miles away, federal law prohibits rural police from locking up violent juveniles in adult jails for more than 24 hours. This means that state law enforcement officials either have to waste the time and resources to criss-cross the state even for initial court appearances, or simply let dangerous teens go free. In my view, that's a no-win situation. This measure gives rural police the flexibility they need by letting them detain juveniles in adult jails for up to 72 hours, provided they are separated from adult criminals.

Moreover, this measure will help lock up gun-toting kids—and the people who illegally supply them with weapons. It builds on my 1994 Youth Handgun Safety Act by turning illegal possession of a handgun by a minor into a felony. And the same goes for anyone who illegally sells handguns to kids. Kids and handguns don't mix, and our Federal law needs to make clear that this is a serious crime.

And this measure makes it easier to identify the violent juveniles who need to be dealt with more severely—by strongly encouraging states to share the records of violent juvenile offenders and providing the funding necessary for improved record-keeping. The fact is that law enforcement officials need full disclosure in order to make informed judgments about who should be incarcerated, but current law allows too many records to be concealed or to vanish without a trace when a teen felon turns 18.

Second, this proposal will help keep firearms out of the hands of young people. It promotes gun safety by requiring the sale of child safety locks with every new handgun. Child safety locks can help save many of the 500 children and teenagers killed each year in firearms accidents, and the 1,500 kids each year who use guns to commit suicide. Just as importantly, they can help prevent some of the 7,000 violent juvenile crimes committed every year with guns children took from their own homes.

It also helps identify who is supplying kids with guns, so we can put them out of business and behind bars. The Bureau of Alcohol, Tobacco and Firearms has been working closely with cities like Milwaukee and Boston to trace guns used by young people back to the source. Using ATF's national database, police and prosecutors can target illegal suppliers of firearms and help stop the flow of firearms into our communities. This measure will expand the program to other cities and, with the increased penalties outlined above, help cut down illegal gun trafficking.

In addition, it closes an inexcusable loophole that allows violent young offenders to buy guns legally when they turn 18. Under current law, violent adult offenders can't buy firearms, but violent juveniles can—even the kids convicted of the schoolyard killings in Jonesboro, Arkansas—at least once they are released at age 18. This has to stop. So this measure declares that all violent felons are disqualified from buying firearms, regardless of whether they were 10, 12, 14 or just a day short of their 18th birthday at the time of their offense.

And not only will this proposal prohibit all violent criminals from owning firearms, no matter what their age, it also encourages aggressive enforcement of this federal law by dedicating federal prosecutors and investigators to this task. This builds on a successful program, supported by the NRA, that has helped reduce gun violence in Richmond through increased federal prosecution, public outreach and fewer plea bargains.

Third, a balanced approach also requires a significant investment in crime prevention, so we can stop crime before it's too late. In fact, no one is more adamant in support of this approach than our nation's law enforcement officials. For example, last year more than 400 police chiefs, sheriffs and prosecutors nationwide endorsed a call for after-school programs for all children. And in my home state of Wisconsin, 90 percent of police chiefs and sheriffs I surveyed agreed that we need to increase federal prevention spending.

This proposal promotes prevention by concentrating funding in programs that already have a record of success, like Weed & Seed, and those that rely on proven strategies, like the ones that give children a safe place to go in the after-school hours between 3 and 8 p.m., when juvenile crime peaks.

For example, it expands the Weed & Seed program, a Republican program which combines aggressive enforcement and safe havens for at-risk kids. The measure also gives more schools the resources necessary to stay open after school, through expansion of the 21st Century Learning Center program. It promotes innovative prevention initiatives by reauthorizing and expanding the Title V At-Risk Children Challenge Grant program, which I authored, which encourages investment, collaboration, and long-range prevention planning by local communities, who must establish locally tailored prevention programs and contribute at least 50 cents for every federal dollar. It builds on our support for the valuable work of Boys & Girls Clubs, by continuing to dedicate funding to the Clubs and expanding funding to other successful organizations like the YMCA. And it requires that at least 20 percent of the new juvenile crime funds—namely the recently-appropriated $500 million juvenile accountability block grant—be dedicated to prevention.

Of course, we shouldn't blindly invest in prevention programs, just because they sound good. Quality, not quantity, matters. And it would be foolish to throw good money after bad. That's why my measure cuts nearly $1 billion in prevention programs authorized by the Crime Act—so we don't waste money on redundant programs which don't have records of success or bipartisan support. And that's why my measure requires 5 to 10 percent of all prevention funds to be set aside for rigorous evaluations—so we can keep funding the programs that work, and eliminate the programs that don't. We also reward cities that adopt comprehensive anti-juvenile crime strategies, like Milwaukee's and Boston's—so prevention is part of a balanced, coordinated overall plan.

Mr. President, the question about how to reduce juvenile crime is no longer a mystery. We have a good idea about what works. The real question is this: Will we act to make our communities safer and sounder places to live and to prevent teen crime before it happens? I have faith that we will, and I believe this measure moves us forward. I ask unanimous consent that a summary of this proposal be printed for the RECORD. There being no objection, the summary was ordered printed in the RECORD, as follows:

SUMMARY OF THE 21ST CENTURY SAFE AND SOUND COMMUNITIES ACT

Title I: Increased Placement of Juveniles in Appropriate Correctional Facilities

States must dedicate 10 percent of all prison funding from the 1994 Crime Act to juvenile facilities or alternative placements for delinquent juveniles. Expands ability to detain juveniles temporarily in rural adult jails by permitting detention for up to 72 hours and ending requirement of separate staff to oversee juveniles and adults.

Title II: Reducing Youth Access to Firearms

Limits access of juveniles and juvenile offenders to firearms. Requires the sale of child safety locks with all handguns. Expands Department of the Treasury's youth crime gun tracing program to identify more illegal gun traffickers who are supplying guns to children. Increases jail time for individuals who transfer handguns to juveniles and for juveniles who illegally possess handguns. Prohibits the sale of firearms to violent juvenile offenders after they become 18 years old. Increases enforcement of federal laws to prohibit illegal possession of firearms by violent criminals, including violent juvenile offenders.

Title III: Consolidation of Prevention Programs

Repeals nearly $1 billion in authorized prevention programs from the 1994 Crime Act. Expands Weed & Seed to $200 million per year (from $33.5 million in 1999), the Title V At-Risk Children Challenge Grants to $200 million per year (from $55 million), and the 21st Century Learning Centers to $600 million per year (from $200 million), and extends Boys & Girls Club funding for five more years, increasing funding to $100 million per year (from $40 million) and expanding the program to support other successful community organizations like the YMCA. Consolidates several gang prevention programs into one $25 million program. Rewards cities that adopt a comprehensive anti-juvenile crime strategy based on the Boston model. Sets aside 5 to 10 percent of prevention funding for evaluation, implementing the proposal of the DOJ-sponsored University of Maryland report.

Title IV: Juvenile Crime Control and Accountability Block Grant

Promotes funding for prosecutors, improved-record keeping, juvenile prisons, and prevention through $500 million block grant. Qualifying states must trace all firearms recovered from individuals under age 21 to identify illegal firearm traffickers, and must share criminal records of all juvenile violent offenders with other jurisdictions. $100 million of this grant program must be dedicated to both prevention and to hiring more prosecutors.

Title V: Extension of COPS and Juvenile Justice programs

Extends program to hire new community police officers. Reauthorizes Office of Juvenile Justice and Delinquency Prevention.

Title VI: Extension of Violent Crime Reduction Trust Fund

Extends trust fund established by 1994 Crime Act to pay for anti-crime programs with savings from reduction of federal workforce.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Ms. SNOWE, Mr. DODD, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Ms. LANDRIEU, and Mr. REID):

S. 717. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Finance.

GOVERNMENT PENSION OFFSET REFORM ACT

● Ms. MIKULSKI. Mr. President, today, I am introducing a bill to modify a harsh and heartless rule of government that is unfair and prevents current workers from enjoying the benefits of their hard work in their retirement. This legislation is very important to me, very important to my constituents in Maryland, and very important to government workers and retirees across the nation. I want the middle class of this Nation to know that if you worked hard to become middle class you should stay middle class when you retire.

Under current law, there is something called the Pension Offset law. This is a harsh and unfair policy. Let me tell you why.

If you are a retired government worker, and you qualify for a spousal Social Security benefit based on your spouse's employment record, you may not receive what you qualify for. Because the Pension Offset law reduces or entirely eliminates a Social Security spousal benefit when the surviving spouse is eligible for a pension from a local, state or federal government job that was not covered by Social Security.

This policy only applies to government workers, not private sector workers. Let me give you an example of two women, Helen and her sister Phyllis.

Helen is a retired Social Security benefits counselor who lives in Woodlawn, Maryland. Helen currently earns $600 a month from her federal government pension. She's also entitled to a $645 a month spousal benefit from Social Security based on her deceased husband's hard work as an auto mechanic. That's a combined monthly benefit of $1,245.

Phyllis is a retired bank teller also in Woodlawn, Maryland. She currently earns a pension of $600 a month from the bank. Like Helen, Phyllis is also entitled to a $645 a month spousal benefit from Social Security based on her husband's employment. He was an auto-mechanic, too. In fact, he worked at the same shop as Helen's husband.

So, Phyllis is entitled to a total of $1,245 a month, the same as Helen. But, because of the Pension Offset law, Helen's spousal benefit is reduced by ⅔ of her government pension, or $400. So instead of $1,245 per month, she will only receive $845 per month.

This reduction in benefits only happens to Helen because she worked for the government. Phyllis will receive her full benefits because her pension is a private sector pension. I don't think that's right, and that's why I'm introducing this legislation.

The crucial thing about the MIKULSKI Modification is that it guarantees a minimum benefit of $1,200. So, with the MIKULSKI Modification to the Pension Offset, Helen is guaranteed at least $1,200 per month.

Let me tell you how it works. Helen's spousal benefit will be reduced only by 2/3 of the amount her combined monthly benefit exceeds $1,200. In her case, the amount of the offset would be 2/3 of $45, or $30. That's a big difference from $400, and I think people like our federal workers, teachers and our firefighters deserve that big difference.

Why should earning a government pension penalize the surviving spouse? If a deceased spouse had a job covered by Social Security and paid into the Social Security system, that spouse expected his earned Social Security benefits would be there for his surviving spouse.

Most working men believe this and many working women are counting on their spousal benefits. But because of this harsh and heartless policy, the spousal benefits will not be there, your spouse will not benefit from your hard work, and, chances are, you won't find out about it until your loved one is gone and you really need the money.

The MIKULSKI modification guarantees that the spouse will at least receive $1,200 in combined benefits. That Helen will receive the same amount as Phyllis.

I'm introducing this legislation, because these survivors deserve better than the reduced monthly benefits that the Pension Offset currently allows. They deserve to be rewarded for their hard work, not penalized for it.

Many workers affected by this Offset policy are women, or clerical workers and bus drivers who are currently working and looking forward to a deserved retirement. These are people who worked hard as federal employees, school teachers, or firefighters.

Frankly, I would repeal this policy all together. But, I realize that budget considerations make that unlikely. As a compromise, I hope we can agree that retirees who work hard should not have this offset applied until their combined monthly benefit exceeds $1,200.

In the few cases where retirees might have their benefits reduced by this policy change, my legislation will calculate their pension offset by the current method. I also have a provision in this legislation to index the minimum amount of $1,200 to inflation so retirees will see their minimum benefits increase as the cost of living increases.

I believe that people who work hard and play by the rules should not be penalized by arcane, legislative technicalities. That's why I'm introducing this bill today.

Representative WILLIAM JEFFERSON of Louisiana has introduced similar legislation in the House. I look forward to working with him to modify the harsh Pension Offset rule.

If the federal government is going to force government workers and retirees in Maryland and across the country to give up a portion of their spousal benefits, the retirees should at least receive a fair portion of their benefits.

I want to urge my Senate colleagues to join me in this effort and support my legislation to modify the Government Pension Offset.●

By Ms. MIKULSKI (for herself and Mr. INOUYE):

S. 718. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

HAZARDOUS OCCUPATIONS RETIREMENT BENEFITS ACT OF 1999

●Ms. MIKULSKI. Mr. President, today I introduce the Hazardous Occupations Retirement Benefits Act of 1999. This legislation will grant an early retirement package for revenue officers of the Internal Revenue Service, customs inspectors of the U.S. Customs Service, and immigration inspectors of the Immigration and Naturalization Service.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. Most people would be surprised to learn that current law does not treat revenue officers, customs inspectors and immigration inspectors as federal law enforcement personnel.

This legislation will amend the current law and finally grant the same 20-year retirement to these members of the Internal Revenue Service, Customs Service, and Immigration and Naturalization Service. The employees under this bill have very hazardous, physically taxing occupations, and it is in the public's interest to have a young and competent work force in these jobs.

The need for a 20-year retirement benefit for inspectors of the Customs Service is very clear. These employees are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the authority to apprehend those engaged in these crimes. These officers carry a firearm on the job. They are responsible for the most arrests performed by Customs Service employees. The Customs Service interdicts more narcotics than any other law enforcement agency—over a million pounds a year. In 1996, they seized 180,946 pounds of cocaine, 2,895 pounds of heroin, and 775,225 pounds of marijuana. They are required to have the same law enforcement training as all other law enforcement personnel. These employees face so many challenges. They confront criminals in the drug war, organized crime figures, and increasingly sophisticated white-collar criminals.

Revenue officers struggle with heavy workloads and a high rate of job stress. Some IRS employees must even employ pseudonyms to hide their identity because of the great threat to their personal safety. The Internal Revenue Service currently provides it's employees with a manual entitled: 'Assaults and Threats: A Guide to Your Personal Safety' to help employees respond to hostile situations. The document advises IRS employees how to handle on-the-job assaults, abuse, threatening telephone calls, and other menacing situations.

Mr. President, this legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees will reduce turnover, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force.

I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted. This bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government.●

By Mr. REID:

S. 719. A bill to provide for the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmentally sensitive land in the State, and for other purposes; to the Committee on Energy and Natural Resources.

THE NEVADA PUBLIC LAND MANAGEMENT ACT OF 1999

Mr. REID. Mr. President, I am proud to introduce today, the Nevada Public Land Management Act of 1999. This Act provides a process for the sale of public lands to support the expansion and economic development of rural communities in Nevada.

Many of Nevada's rural counties are actively planning for economic growth and expansion. However, they are hampered, because more than 87 percent of Nevada is owned by the Federal Government and some Nevada counties are more than 90 percent owned by the federal government. As these counties seek to expand economic diversification, they find themselves land-locked by Federal lands.

But a lack of land is not the only problem these counties face. Many lack an adequate tax base, due to their lack of private lands. As the tax roles shrink and they experience some growth, officials are unable to adequately provide the basic public services expected of them. Adequate police and fire protection, education, road maintenance, and basic health care are suffering.

The legislation we introduce today will allow for the coordinated disposal of Federal lands that have already been identified by the Federal government and the Bureau of Land Management as suitable for disposal. Simply put, we are setting up a willing seller-willing buyer scenario. Sale of these lands will allow for economic diversification while implementing smart growth practices. Local governments will benefit from an infusion of revenue and a stable tax base to fund basic public services.

Senator BRYAN's and my bill requires that disposal of Nevada's lands be accomplished by competitive bidding, a process which will ensure that the sale of these public lands yield the highest return for the public. It is crucial to rural Nevada that we provide revenues for the basic services so many Americans take for granted, while also giving the Federal government the revenues they need to acquire truly special lands for future generations to enjoy.

Mr. President, this bill was drafted with conscious regard for the laws governing the management of public lands. In particular, the bill meets the intent of the Federal Land Policy and Management Act in three ways. First, it only involves lands determined to be suitable for disposal by the Bureau of Land Management's own land use planning process. Secondly, the bill assures that state and local governments are provided meaningful public involvement in land use decisions for public lands. And finally, the bill would allow for expansion of communities and economic development.

Two years ago I convened a Presidential Summit on the shores of Lake Tahoe to save the Lake. This Summit created a model of federal, state, local, public and private partnership. It is a model that the President said can apply across the nation and across the world. We learned there that we can all work together to preserve the nation's special places and promote economic growth. The legislation we introduce today is crafted with the Lake Tahoe Model in mind. It encourages cooperation between all levels of government and the private sector. It is supported by Nevada state and local officials on a bi-partisan basis and our Republican colleague, Representative JIM GIBBONS, has introduced similar legislation today in the House.

This kind of bill shows truly how government can work for the people in partnership. I urge its swift passage.

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. 719

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 ''Nevada Public Land Management Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Federal holdings in the State of Nevada constitute over 87 percent of the area of the State, and in 10 of the 17 counties the Federal Government controls at least 80 percent of the land;

(2) the large amount of federally controlled land in Nevada and the lack of an adequate private land ownership base has had a negative impact on the overall economic development of rural counties and communities and severely degraded the ability of local governments to provide necessary services;

(3) under general land laws less than 3 percent of the Federal land in Nevada has moved from Federal control to private ownership in the last 130 years;

(4) in resource management plans, the Bureau of Land Management has identified for disposal land that is difficult and costly to manage and that would more appropriately be in non-Federal ownership;

(5) implementation of Federal land management plans has been impaired by the lack of necessary funding to provide the needed improvements and the lack of land management programs to accomplish the goals and standards set out in the plans; and

(6) the lack of a private land tax base prevents most local governments from providing the appropriate infrastructure to allow timely development of land that is disposed of by the Federal Government for community expansion and economic growth.

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

(1) the orderly disposal and use of certain Federal land in the State of Nevada that was not included in the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343);

(2) the acquisition of environmentally sensitive land in the State; and

(3) the implementation of projects and activities in the State to protect or restore important environmental and cultural resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) CURRENT LAND USE PLAN.—The term ''current land use plan'', with respect to an administrative unit of the Bureau of Land Management, means the management framework plan or resource management plan applicable to the unit that was approved most recently before the date of enactment of this Act.

(2) ENVIRONMENTALLY SENSITIVE LAND.—The term ''environmentally sensitive land'' means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, or other values that contribute to public enjoyment or biological diversity;

(B) enhance recreational opportunities or public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

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

(4) SPECIAL ACCOUNT.—The term ''Special Account'' means the account established by section 6.

(5) STATE.—The term ''State'' means the State of Nevada.

(6) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means the elected governing body of each city and county in the State except the cities of Las Vegas, Henderson, and North Las Vegas.

SEC. 4. DISPOSAL AND EXCHANGE.

(a) DISPOSAL.—In accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law and subject to valid existing rights, the Secretary may dispose of public land within the State identified for disposal under current land use plans maintained under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), other than land that is identified for disposal under the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343).

(b) RECREATION AND PUBLIC PURPOSE CONVEYANCES.—

(1) IN GENERAL.—Not less than 30 days before offering land for sale or exchange under subsection (a), the State or the unit of local government in the jurisdiction of which the land is located may elect to obtain the land for local public purposes under the Act entitled ''An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes'', approved June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(2) RETENTION BY SECRETARY.—If the State or unit of local government elects to obtain the land, the Secretary shall retain the land for conveyance to the State or unit of local government in accordance with that Act.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal land selected for disposal under subsection (d)(1) is withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws until the Secretary terminates the withdrawal or the land is patented.

(d) SELECTION.—

(1) IN GENERAL.—The Secretary, the unit of local government that has jurisdiction over land identified for disposal under subsection (a), and the State shall jointly select land to be offered for sale or exchange under this section.

(2) COORDINATION.—The Secretary shall coordinate land disposal activities with the unit of local government under the jurisdiction of which the land is located.

(3) LOCAL LAND USE PLANNING AND ZONING REQUIREMENTS.—The Secretary shall dispose of land under this section in a manner that is consistent with local land use planning and zoning requirements and recommendations.

(e) SALES OFFERING, PRICE, PROCEDURES, AND PROHIBITIONS.—

(1) OFFERING.—The Secretary shall make the first offering of land as soon as practicable after land has been selected under subsection (d).

(2) SALE PRICE.—

(A) IN GENERAL.—The Secretary shall make all sales of land under this section at a price that is not less than the fair market value of the land, as determined by the Secretary.

(B) AFFORDABLE HOUSING.—Subparagraph (A) does not affect the authority of the Secretary to make land available at less than fair market value for affordable housing purposes under section 7(b) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2349).

(3) COMPETITIVE BIDDING.—

(A) IN GENERAL.—The sale of public land selected under subsection (d) shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(B) EXCEPTIONS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to sales under this Act in cases in which the Secretary determines that application of an exception is necessary and proper.

(C) NOTICE OF COMPETITIVE BIDDING PROCEDURES.—The Secretary shall also ensure adequate notice of competitive bidding procedures to—

(i) owners of land adjoining the land proposed for sale;

(ii) local governments in the vicinity of the land proposed for sale; and

(iii) the State.

(4) PROHIBITIONS.—A sale of a tract of land selected under subsection (d) shall not be undertaken if the Federal costs of sale preparation and processing are estimated to exceed the proceeds of the sale.

(f) DISPOSITION OF PROCEEDS.—

(1) LAND SALES.—Of the gross proceeds of sales of land under this section during a fiscal year—

(A) 5 percent shall be paid to the State for use in the general education program of the State;

(B) 45 percent shall be paid directly to the local unit of government in the jurisdiction of which the land is located for use as determined by the unit of local government, with consideration given to use for support of health care delivery, law enforcement, and schools; and

(C) 50 percent shall be deposited in the Special Account.

(2) LAND EXCHANGES.—

(A) IN GENERAL.—In a land exchange under this section, the non-Federal party shall provide direct payment to the unit of local government in the jurisdiction of which the land is located in an amount equal to 15 percent of the fair market value of the Federal land conveyed in the exchange.

(B) TREATMENT OF PAYMENTS AS COST INCURRED.—If any agreement to initiate the exchange so provides, a payment under subparagraph (A) shall be considered to be a cost incurred by the non-Federal party that shall be compensated by the Secretary.

(C) PENDING EXCHANGES.—This Act, other than subsections (a) and (b) and this subsection, shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized representative of the exchange proponent and an authorized officer of the Bureau of Land Management before the date of enactment of this Act.

(g) ADDITIONAL DISPOSAL LAND.—Public land identified for disposal in the State under a replacement of or amendment to a current land use plan shall be subject to this Act.

SEC. 5. ACQUISITION OF ENVIRONMENTALLY SENSITIVE LAND.

(a) IN GENERAL.—After consultation in accordance with subsection (c), the Secretary may use funds in the Special Account and any other funds that are made available by law to acquire environmentally sensitive land and interests in environmentally sensitive land.

(b) CONSENT.—The Secretary may acquire environmentally sensitive land under this section only from willing sellers.

(c) CONSULTATION.—

(1) IN GENERAL.—Before initiating efforts to acquire environmentally sensitive land under this section, the Secretary or the Secretary of Agriculture shall consult with the State and units of local government under

the jurisdiction of which the environmentally sensitive land is located (including appropriate planning and regulatory agencies) and with other interested persons concerning—

(A) the necessity of making the acquisition;

(B) the potential impact of the acquisition on State and local government; and

(C) other appropriate aspects of the acquisition.

(2) ADDITIONAL CONSULTATION.—Consultation under this paragraph shall be in addition to any other consultation that is required by law.

(d) ADMINISTRATION.—On acceptance of title by the United States, any environmentally sensitive land or interest in environmentally sensitive land acquired under this section that is within the boundaries of a unit of the National Forest System, the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Trails System, the National Wilderness Preservation System, any other system established by law, or any national conservation or recreation area established by law—

(1) shall become part of the unit or area without further action by the Secretary or Secretary of Agriculture; and

(2) shall be managed in accordance with all laws (including regulations) and land use plans applicable to the unit or area.

(e) FAIR MARKET VALUE.—The fair market value of environmentally sensitive land or an interest in environmentally sensitive land to be acquired by the Secretary or the Secretary of Agriculture under this section shall be determined—

(1) under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711) and other applicable requirements and standards; and

(2) without regard to the presence of a species listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) PAYMENTS IN LIEU OF TAXES.—Section 6901(1) of title 31, United States Code, is amended—

(1) in subparagraph (G), by striking ''or'' at the end;

(2) in subparagraph (H), by striking the period at the end and inserting ''; or ''; and

(3) by adding at the end the following:

''(I) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Nevada Public Land Management Act of 1999 that is not otherwise described in subparagraphs (A) through (G).''.

SEC. 6. SPECIAL ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be used in carrying out this Act.

(b) CONTENTS.—The Special Account shall consist of—

(1) amounts deposited in the Special Account under section 4(f)(1)(B);

(2) donations to the Special Account; and

(3) appropriations to the Special Account.

(c) USE.—

(1) IN GENERAL.—Amounts in the Special Account shall be available to the Secretary until expended, without further Act of appropriation, to pay—

(A) subject to paragraph (2), costs incurred by the Bureau of Land Management in arranging sales or exchanges under this Act, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and public notice;

(B) the cost of acquisition of environmentally sensitive land or interest in such land in the State;

(C) the cost of carrying out any necessary revision or amendment of a current land use plan of the Bureau of Land Management that relates to land sold, exchanged, or acquired under this Act;

(D) the cost of projects or programs to restore or protect wetlands, riparian areas, or cultural, historic, prehistoric, or paleontological resources, including petroglyphs;

(E) the cost of projects, programs, or land acquisition to stabilize or restore water quality and lake levels in Walker Lake; and

(F) related costs determined by the Secretary.

(2) LIMITATIONS.—

(A) COSTS IN ARRANGING SALES OR EXCHANGES.—Costs charged against the Special Account for the purposes described in paragraph (1)(A) shall not exceed the minimum amount practicable in view of the fair market value of the Federal land to be sold or exchanged.

(B) ACQUISITION.—Not more than 50 percent of the amounts deposited in the Special Account in any fiscal year may be used in that fiscal year or any subsequent fiscal year for the purpose described in paragraph (1)(B).

(3) PLAN REVISIONS AND AMENDMENTS.—The process of revising or amending a land use plan shall not cause delay or postponement in the implementation of this Act.

(d) INTEREST.—All funds deposited in the Special Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended in accordance with subsection 6(c).

(e) COORDINATION.—The Secretary shall coordinate the use of the Special Account with the Secretary of Agriculture, the State, and units of local government in which land or an interest in land may be acquired, to ensure accountability and demonstrated results.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a biennial report that describes each transaction that is carried out under this Act.

By Mr. HELMS:

S. 720. A bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes; to the Committee on Foreign Relations.

SERBIA DEMOCRATIZATION ACT OF 1999

Mr. HELMS. Mr. President, this is a significant piece of legislation, I believe, the Serbia Democratization Act of 1999, on which I am honored by the cosponsorship of a number of distinguished colleagues—Senators GORDON SMITH, LUGAR, LIEBERMAN, LAUTENBERG, DEWINE, MCCAIN, and ORRIN HATCH.

More than a year ago, Yugoslav President Slobodan Milosevic sent Serbian troops into Kosovo to launch a brutal assault on the ethnic Albanian population there. This action was the beginning of a merciless and unjustified Serbian offensive against ethnic Albanians in Kosovo. Two thousand victims of Milosevic's cruelty lie dead—many of them innocent civilians. And hundreds of thousands of people have been driven from their homes.

Mr. President, this tragedy in Kosovo has emphasized the obvious: that if the United States continues to foolishly hope for good will on the part of Milosevic, the United States will be dragged into the crises this cruel man manufactures time and again. Instead of pursuing a strategy that leads to NATO airstrikes or the deployment of thousands of United States troops in peacekeeping operations, I believe it is the course of wisdom to examine the root cause of instability in that region—the bloody regime of Slobodan Milosevic.

President Milosevic has imposed rigid controls on, or launched outright attacks against, the media, universities, and the judicial system in Serbia to prevent the possibility that a democracy and an independent civil society can be developed. The massacres of innocent women and children in Kosovo demonstrate Milosevic's disregard for basic human rights. This man, in a word, forbids the very thought of a democratic system in Serbia.

For too long this Administration has claimed that no viable democratic opposition exists in Serbia or that the United States has no choice but to work with Milosevic. Mr. President, I refuse to accept this argument. There are individuals and organizations in Serbia that can be a force for democratic change in that country. Milosevic is not the only option. And in no case should the United States treat that dictator as a responsible leader or as someone with whom we can do business.

The Serbia Democratization Act, which I am introducing today, has but one purpose—to get rid of the murderous regime of Mr. Milosevic. Let me briefly summarize the key points of the legislation:

It authorizes $100 million over a two year period to support the development of a government in Yugoslavia based on democratic principles and the rule of law.

It calls for increased Voice of America and Radio Free Europe/Radio Liberty broadcasting to Serbia to undermine state control of the media and spread the message of democracy to the people of Serbia.

It calls for humanitarian and other assistance to the victims of oppression in Kosovo.

It adds new sanctions or strengthens those that exist against Serbia until the President certifies that the government is democratic. For example, it codifies the so-called ''outer wall'' of sanctions that the United States has informally in place. It blocks Yugoslav assets in the United States. It prevents senior Yugoslav and Serbian government officials, and their families, from receiving visas to travel to the U.S. And it requires a democratic government to be in place in Serbia before extending MFN status to Yugoslavia.

It states that the U.S. should send to the International Criminal Tribunal for the former Yugoslavia all information we have on the involvement of Milosevic in war crimes.

Now, as for Mr. Milosevic's future, I do not care one way or the other if he lives out his days in sunny Cyprus if he will agree to step aside and make way for democracy in Serbia. The important thing is that he be removed from power, whether voluntarily or not.

Once the Milosevic regime has been replaced by a democratic government in Yugoslavia, this legislation calls for immediate and substantial U.S. assistance to support the transition to democracy. When that day comes, I will lead the way in encouraging Yugoslavia to take its place among the democratic nations of the West. Until that time, I will work to implement a policy that will undermine the autocratic regime of Slobodan Milosevic in every way possible.

Mr. LAUTENBERG. Mr. President, I rise today as one of a bipartisan group of Senators introducing the Serbia Democratization Act of 1999.

We've been developing this legislation for some time, to address our long-term interest in fostering democracy and human rights in what remains of the former Yugoslavia. But this legislation sends an important message at a time when our Armed Forces are conducting air operations and missile strikes against the so-called Federal Republic of Yugoslavia, comprising Serbia and Montenegro.

The message this legislation sends to the people of Serbia and Montenegro is this: We are determined to punish those leaders responsible for such horrific violence throughout the former Yugoslavia. But we are also ready to support the development of democracy and civil society to help the people of Serbia and Montenegro overcome the repression which they, too, have suffered under the Milosevic regime.

The measures outlined in this act will help free thought and free speech to survive in Serbia-Montenegro. This legislation will also give victims of Serbian attacks, particularly in Kosovo, a degree of comfort knowing the American people stand with them in their hour of need even as our aircraft fly overhead.

This legislation also puts Slobodan Milosevic on notice that the reign of terror he has unleashed against the people of the Balkans—including Serbs and others within Serbia—will soon be over. Along with democratization measures for Serbia-Montenegro, this act contains narrow sanctions to make it more difficult for Milosevic to sustain his corrupt regime and carry on his bloody war.

The years Milosevic has been in power have left the region devastated. Americans remember all too well his brutal handiwork in the war in Bosnia. The images of destroyed homes, ethnically cleansed villages, of decaying corpses in mass graves, are indelibly etched in all our minds.

Now, less than two years after the signing of the Dayton peace agreement which brought about the end of that war, Milosevic has unleashed a similarly brutal campaign against people within Serbia. Yugoslav tanks and soldiers are attempting to crush the Kosovar Albanians' resistance. Belgrade's brutal crackdown has left thousands dead, tens of thousands homeless, and hundreds of thousands displaced from their towns and villages.

The man known in the Balkans as the Butcher of Belgrade, does not reserve his repression for Croats, Bosniaks, or Albanians. In his quest to gain and hold power, he has not spared his capital of Belgrade.

For years now, Slobodan Milosevic has carried out a sustained campaign to destroy his country's democratic institutions and its people's freedoms. He is a communist thug, a relic of the bad old days of Central Europe. For years, he has run whole of the so-called Federal Republic of Yugoslavia from his position as head of the constituent Republic of Serbia, leaving the constitution of the former Yugoslavia in tatters.

The Milosevic regime has tried for years to prevent the development of independent media outlets to provide accurate news and other information to the people of Serbia and Montenegro. Journalists who have pursued stories unflattering to the regime have been threatened and beaten by police. Independent television stations and newspapers are being shut down through litigation under a draconian press law passed last fall. As the State Department's 1998 Human Rights Report notes, that law allows private citizens and organizations to bring suit against media outlets for publishing information not deemed patriotic enough or considered to be ''against the territorial integrity, sovereignty and independence of the country.''

The effects of this policy are chilling. The people of Serbia-Montenegro are getting a filtered message about the events in their country and around the world. They see and hear and read only the news their Government chooses to disseminate.

Since NATO announced the approval of air operations and missile strikes, Belgrade has cracked down further on the independent media. Radio B92, operated courageously by Veran Matic, was shut down at gunpoint. Instead of hearing what is really happening, instead of hearing our reasons for conducting air strikes, people in Belgrade hear the regime's propaganda on Government radio.

The university in Belgrade—one of the great institutes of higher learning in Central Europe—has been purged of professors who refuse to tow the party line. Students who have protested this action have been harassed. As a result, there are virtually no progressive professors or students left in several programs.

The economy, too, is in tatters. Unemployment and underemployment hovers at 60 percent, primarily because the government has been unwilling to carry out needed economic reforms. Privatization, the cornerstone of a market economy, remains at a standstill, allowing cronyism and corruption to flourish.

I would like to draw particular attention to a section of this law concerning the International Criminal Tribunal for the former Yugoslavia.

As many of you know, for the past two years I have introduced legislation that bans U.S. aid to communities in the former Yugoslavia harboring war criminals. I introduced that legislation because it is my firm belief that democracy cannot come to a country, that a nation cannot begin to face the sins of its past, and that people cannot feel secure in their own communities, until individuals who persecuted others are brought to justice.

Milosevic has a deplorable record in cooperating with the Tribunal. He has continually scorned his obligations to the United Nations to turn over war criminals to the Tribunal for prosecution, citing constitutional constraints. Consequently, indicted war criminals—including Ratko Mladic, who is responsible for the massacre of hundreds of people during the Bosnian war, and the so-called Vukovar three who were indicted for the murder of 260 unarmed men during the 1991 attack on that Croatian city—reportedly live freely in Serbia.

He denied officials from the Tribunal access to Kosovo to investigate alleged crimes in the village of Racak, after 40 people were found dead, their mutilated bodies dumped in a ravine. Milosevic tried to claim that the victims—children, women and old men—were combatants and shot in a confrontation with Serbian police. To lend his story credence, Milosevic instead allowed a so-called independent forensic team from Belarus—itself caught in

the Stalinist past—and a group of Finns to analyze the corpses.

Milosevic's tactic backfired. The forensic team found that the victims were unarmed civilians, executed in an organized massacre. Some of these Kosovars ''were forced to kneel before being sprayed with bullets,'' as the Washington Post reported it.

Those who master-minded and perpetrated the massacres in Racak must face justice. Our Congress has already made very clear our view that Slobodan Milosevic is a war criminal and should be indicted and tried by the International Tribunal.

Mr. President, United States policy toward Belgrade is and must be much more than the use of air strikes. The legislation before us today will help Secretary Albright's efforts to bring lasting peace, democracy and prosperity to Serbia and Montenegro, as well as to Kosovo and the rest of the Balkans, by helping democracy and freedom prevail over a brutal dictator.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. FEINGOLD, and Mr. MOYNIHAN):

S. 721. A bill to allow media coverage of court proceedings.

LEGISLATION TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS

Mr. GRASSLEY. Mr. President, along with Senator SCHUMER and others, today I am introducing legislation that would make it easier for every American taxpayer to see what goes on in the federal courts that they fund. The bill, which would allow the photographing, electronic recording, broadcasting, and televising of Federal court proceedings, is needed to address the growing public cynicism over this branch of government.

Fostering a public that is well-informed about the law, including penalties and offenses, will, in turn, foster a healthy judiciary. As Thomas Jefferson said, ''[t]he execution of the laws is more important than the making of them.'' Because federal court decisions are far-reaching and often final, it is critical that judges operate in a manner that invites broad observation.

In addition, allowing cameras in the federal courtrooms is consistent with the founding fathers' intent that trials be held before as many people as choose to attend. Also, the First Amendment requires that court proceedings be open to the public, and by extension, the news media. The public's right to observe them first-hand is hardly less important. Put differently, the Supreme Court has said, ''what transpires in the courtroom is public property.''

In 1994 the Federal Judicial Center conducted a pilot program that studied the effect of cameras in a select number of federal courts. Their findings supported the use of electronic media coverage and found, ''small or no effects of camera presence on participants in the proceedings, courtroom decorum, or the administration of justice.'' In addition to this three year study in the federal courts, we are fortunate to be able to draw upon the experience of state courts. A committee in New York established to study the effect of cameras in courtrooms concluded, ''Audio-visual coverage of court proceedings serves an important educational function, and promotes public scrutiny of the judicial system. The program had minimal, if any, adverse effects.'' 15 states specifically studied the educational benefits deriving from camera access and all of them determined that camera coverage contributed to greater public understanding of the judicial system.

The use of state courts as a testing ground for this legislation as well as the Federal pilot program make this very well trod ground. We can be extremely confident that this is the next logical step and the well documented benefits far outweigh the ''minimal or no detrimental effects''. Yet, despite the strong evidence of the successful use of cameras in state courtrooms, we are going the extra mile to make sure this works in federal courtrooms by adding a 3 year sunset provision to our bill. This will give us a reasonable amount of time to determine how the process is working and whether it should be permanent.

The two leading arguments against cameras in federal courtrooms are easily countered. First, there is a fear that courtrooms will deteriorate into the carnival-like atmosphere of the O.J. Simpson trial. However, the O.J. Simpson case is obviously an exceptional and isolated instance. Not every court case is or need be like the Simpson case. It is this image of court proceedings that this bill is designed to dispel. Furthermore, even the minimal effects of a camera in a trial setting do not apply to an appellate hearing that has no jury and rarely requires witnesses.

The second argument against greater public access to court proceedings is the legitimate concern for the witnesses' safety when they are required to testify. This concern has merit and is therefore addressed in our bill. Technological advances make it possible to disguise the face and voice of witnesses upon request, thus not compromising their safety.

Allowing greater public access to federal court proceedings will help Americans fulfill their duty as citizens of a democratic nation to educate themselves on the workings of their government, and their right to observe and oversee the fundamental and critical role of the judiciary. The evidence compiled by 48 states and a federal study clearly supports this bill, the Constitution demands this bill, and the American people deserve this bill.

For all these reasons, I urge others to join me and my colleagues in supporting our attempt to provide greater public access and accountability of our federal courts.

Mr. LEAHY. Mr. President, I am pleased to join Senators GRASSLEY and SCHUMER in sponsoring the ''Sunshine in the Courtroom Act.''

Our democracy works best when our citizens are fully informed. That is why I have supported efforts during my time in the Senate to promote the goal of opening the proceedings of all three branches of our government. We continue to make progress in this area. Except for rare closed sessions, the proceedings of Congress and its Committees are open to the public, and carried live on cable networks. In addition, more Members and Committees are using the Internet and Web sites to make their work available to broader audiences.

The work of Executive Branch agencies is also open for public scrutiny through the Freedom of Information Act, among other mechanisms. The FOIA has served the country well in maintaining the right of Americans to know what their government is doing—or not doing. As President Johnson said in 1966, when he signed the Freedom of Information Act into law:

> This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the Nation permits.

The work of the third, Judicial Branch, of government is also open to the public. Proceedings in federal courtrooms around this country are open to the public, and our distinguished jurists publish extensive opinions explaining the reasons for their judgments and decisions.

Forty-eight states, including Vermont, permit cameras in the courts. This legislation simply continues this tradition of openness on the federal level.

This bill permits presiding appellate and district court judges to allow cameras in the courtroom; they are not required to do so. At the same time, it protects non-party witnesses by giving them the right to have their voices and images obscured during their testimony. Finally, the bill authorizes the Judicial Conference of the United States to promulgate advisory guidelines for use by presiding judges in determining the management and administration of photographing, recording, broadcasting or televising the proceedings. The authority for cameras in federal district courts sunsets in three years.

In 1994, the Judicial Conference concluded that the time was not ripe to permit cameras in the federal courts, and rejected a recommendation of the Court Administration and Case Management Committee to authorize the

photographing, recording, and broadcasting of civil proceedings in federal trial and appellate courts. A majority of the Conference were concerned about the intimidating effect of cameras on some witnesses and jurors.

The New York Times opined at that time, on September 22, 1994, that ''the court system needs to reconsider its total ban on cameras, and Congress should consider making its own rules for cameras in the Federal courts.''

I am sensitive to the concerns of the Conference, but believe this legislation grants to the presiding judge the authority to evaluate the effect of a camera on particular proceedings and witnesses, and decide accordingly on whether to permit the camera into the courtroom. A blanket prohibition on cameras is an unnecessary limitation on the discretion of the presiding judge.

Allowing a wider public than just those who are able to make time to visit a courtroom to see and hear judicial proceedings will allow Americans to evaluate for themselves the quality of justice in this country, and deepen their understanding of the work that goes on in our courtrooms. This legislation is a step in making our courtrooms and the justice meted out there more widely available for public scrutiny. The time is long overdue for federal courts to allow cameras on their proceedings.

By Mr. INHOFE (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. GRASSLEY, Mr. BREAUX, Mr. CRAPO, Mr. STEVENS and Mr. FRIST):

S. 722. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

EMERGENCY REVOCATION ACT

• Mr. INHOFE. Mr. President, I have been involved in the aviation industry for over forty years. In that time, I have logged roughly 8,000 flight hours and have had my share of flight challenges in all sorts of weather and conditions. For instance, in 1980 during a humanitarian mission to Dominica, I led ten airplanes through hurricane David to deliver medical supplies to the island. As recently as 1991 I piloted a Cessna 414 around the world reenacting the same flight of Wiley Post sixty years earlier. I mention this to establish my credentials as someone who is an experienced pilot. As such, I have a great respect for the important job that the Federal Aviation Administration (FAA) does to make our air system the safest and best in the world. Notwithstanding my admiration for the job that the FAA does, I believe there are some areas of FAA enforcement that need to be examined. One such area is the FAA's use of ''emergency revocation''.

After talking with certificate holders and based on my own observations, I believe the FAA unfairly uses this necessary power to prematurely revoke certificates when the circumstances do not support such drastic action. In a revocation action, brought on an emergency basis, the certificate holder loses use of his certificate immediately, without an intermediary review by an impartial third party. The result is that the certificate holder is grounded and in most cases out of work until the issue is adjudicated.

Simply put, I believe the FAA unfairly uses this necessary power to prematurely revoke certificates when the circumstances do not support such drastic action. A more reasonable approach when safety is not an issue, would be to adjudicate the revocation on a non-emergency basis allowing the certificate holder continued use of the certificate.

In no way do I want to suggest that the FAA should not have emergency revocation powers. I believe it is critical to safety that FAA have the ability to ground unsafe airmen or other certificate holders; however, I also believe that the FAA must be judicious in its use of this extraordinary power. A review of recent emergency cases clearly demonstrates a pattern by which the FAA uses their emergency powers as standard procedure rather than an extraordinary measure. Perhaps the most visible case has been Bob Hoover.

Bob is a highly regarded and accomplished aerobatic pilot. In 1992, his medical certificate was revoked based on alleged questions regarding his cognitive abilities. After getting a clean bill of health from four separate sets of doctors (just one of the many tests cost Bob $1,700) and over the continuing objections of the federal air surgeon (who never examined Bob personally) his medical certificate was reinstated only after then Administrator David Henson intervened. Unfortunately, Bob is not out of the woods yet. His medical certificate expires each year. Unlike most airmen who can renew their medical certificate with a routine application and exam, Bob has to furnish the FAA with a report of a neurological evaluation every twelve months.

Bob Hoover's experience is just one of many. I have visited with other pilots who have had their licenses revoked on an emergency basis. Pilots such as Ted Stewart who has been an American Airlines pilot for more than 12 years and is presently a Boeing 767 Captain. Until January 1995, Ted had no complaints registered against him or his flying. In January 1995 the FAA suspended his examining authority as part of a larger FAA effort to respond to a problem of falsified ratings. The full National Transportation Safety Board (NTSB) exonerated Ted in July 1995. In June 1996, he received a second revocation. One of the charges in this second revocation involved falsification of records for a Flight Instructor Certificate with Multiengined rating and his Air Transport Pilot (ATP) certificate dating back to 1979. Remember, an emergency revocation means you lose your certificate immediately, so in most cases this means the certificate holder loses his source of income. Fortunately in Ted's case, his employer put him on a desk job while the issue was adjudicated.

Like most, I have questioned how an alleged 17½ year old violation in the Stewart case could constitute an emergency; especially, since Ted had not been cited for any cause in the intervening years. Nonetheless, the FAA vigorously pursued this action. On August 30, 1996, the NTSB issued its decision in this second revocation and found for Ted. A couple of comments in the Stewart decision bear closer examination. First, the board notes that ''The administrator's loss in the earlier case appears to have prompted further investigation of respondent . . .'' I find this rather troubling that an impartial third party appears to be suggesting that the FAA has a vendetta against Ted Stewart. This is further emphasized with a footnote in which the Board notes:

> [We,] of course, [are] not authorized to review the Administrator's exercise of his power to take emergency certificate action . . . We are constrained to register in this matter, however, our opinion that where, as here, no legitimate reason is cited or appears for not consolidating all alleged violations into one proceeding, subjecting an airman in the space of a year to two emergency revocations, and thus to the financial and other burdens associated with an additional 60-day grounding without prior notice and hearing, constitutes an abusive and unprincipled discharge of an extraordinary power.

Another example is Raymond A. Williamson who was a pilot for Coca-Cola Bottling Company. Like Ted Stewart, he was accused of being part of a ''ring'' of pilots who falsified type records for ''vintage'' aircraft.

As in all of the cases I have reviewed, Mr. Williamson biggest concern is that the FAA investigation and subsequent revocation came out of the blue. In November 1994, he was notified by his employer (Coca-Cola) that FAA inspectors had accused him of giving ''illegal'' check rides in company owned aircraft. He was fired. In June 1995, he received an Emergency Order of Revocation. In over 30 years as an active pilot, he had never had an accident, incident, or violation. Nor had he ever been ''counseled'' by the FAA for any action or irregularities as a pilot, flight instructor, FAA designated pilot examiner.

In May 1996, FAA proposed to return all his certificates and ratings, except his flight instructor certificate. As in

the Ted Stewart case, it would appear that FAA found no real reason to pursue an ''emergency'' revocation.

I obviously cannot read the collective minds of the NTSB, but I believe a reasonable person would conclude that in the Ted Stewart case the Board, believes as I do, that there is an abuse of emergency revocation powers by the FAA.

This is borne out further by the fact that since 1989, emergency cases as a total of all enforcement actions heard by the NTSB has more than doubled. In 1989 the NTSB heard 1,107 enforcement cases. Of those, 66 were emergency revocation cases or 5.96 percent. In 1995, the NTSB heard 509 total enforcement cases, of those 160 were emergency revocation cases or 31.43 percent. I believe it is clear that the FAA has begun to use an exceptional power as a standard practice.

At my request, the General Accounting Office (GAO) did a study of emergency revocation actions taken by the FAA between 1990 and 1997. The most troubling result of the GAO study is that during time frame studied, 50 percent of the emergency renovations were issued four months to two years after the violation occurred. In only 4% of the cases was the emergency revocation issued within ten days or less of the actual violation. In fact, the median time lapse between the violation and the emergency order was a little over four months (132 days).

Clearly, at issue is ''what constitutes an emergency?'' After working with industry representatives, I believe we have come up with a balanced and prudent approach to answer that question. Today I, along with Senators MURKOWSKI, BURNS, GRASSLEY, BREAUX, STEVENS, CRAPO and FRIST am introducing a bill which will provide a certificate holder the option of requesting a hearing before the NTSB within 48 hours of receiving an emergency revocation to determine whether or not a true emergency exists. The board will have to decide within five days of the request if an emergency exists. During the board's deliberation, the certificate will be suspended. Should the board decide an emergency does not exist, the certificate holder will be able to use his certificate while the issue is adjudicated. Should the board decide an emergency does exist, the certificate will continue to be suspended while the issue is adjudicated.

Not surprisingly, Mr. President the FAA opposes this language. They also opposed changes to the civil penalties program where they served as the judge and jury in civil penalty actions against airmen. Fortunately, we were able to change that so that airmen can now appeal a civil penalty case to the NTSB. This has worked very well because the NTSB has a clear understanding of the issues.

This bill is supported by the Air Line Pilots Association, International; the Air Transport Association; the Allied Pilots Association, Aircraft Owners and Pilots Association; the Experimental Aircraft Association; National Air Carrier Association; National Air Transportation Association; National Business Aircraft Association; the NTSB Bar Association; and the Regional Airline Association.

In closing, this bill will provide due process to certificate holders where now none exists, without compromising aviation safety. This is a reasonable and prudent response to an increasing problem for certificate holders. I hope our colleagues will support our efforts in this regard.●

By Mr. INHOFE:

S. 723. A bill to provide regulatory amnesty for defendants who are unable to comply with federal enforceable requirements because of factors related to a Y2K system failure; to the Committee on Governmental Affairs.

Y2K REGULATORY AMNESTY ACT OF 1999

● Mr. INHOFE. Mr. President, I am pleased to rise today to introduce Y2K Regulatory Amnesty Act of 1999. I believe this is a timely piece of legislation considering the current debate over the Year 2000 issue. Senators BENNETT, DODD, HATCH, FEINSTEIN, and MCCAIN have been working diligently on Year 2000 issues for quite some time. I applaud them for their efforts in dealing with such a unique and complex issue.

However, as I have watched their progress and listened to their reports, I have noticed one significant omission in their discussions. Virtually nothing has been said about the potential regulatory nightmare that regulated entities could face as a result of a Y2K disruption. While the debate has been centered on getting government and businesses ready for the date change, very little has been said about how the government will actually deal with the private sector's problems associated with the year 2000. The last thing we need is for Regulatory Agencies to view a Y2K problem as an opportunity for a fine.

As a result, I began to ask several regulated communities about their concerns over regulatory penalties as a result of a Y2K disruption. Surprisingly, many had not yet begun to think about the potential for regulatory problems. Instead, they have been focusing on becoming Y2K complaint, which is what they should be doing. However, one question remains; how will the federal government react to regulatory noncompliance due to a Y2K systems disruption?

In response to that unanswered question, I am introducing the Y2K Regulatory Amnesty Act. My legislation will create a ''Y2K upset'', which is defined as an exception in which there is unintentional and temporary noncompliance beyond the reasonable control of the party. It will provide regulated communities with an affirmative defense from punitive actions from the federal government should they encounter a Y2K systems disruption.

My legislation does not create a ''free pass'' for entities to violate federal regulations. A ''Y2K upset'' is strictly defined and can only be invoked if the entity has made all possible efforts to become Y2K complaint and meets other stringent requirements. Additionally, if the noncompliance would result in an immediate or imminent threat to public health, the defense is not applicable. For those individuals who do attempt to use this defense frivolously or fraudulently, there will be severe criminal penalties.

Let me give you an example of how this provision will work. Assume that a small, local flower shop is run by a simple 3-computer network. The flower shop uses its computer network to manage payroll, accounts payable/receivable, and to track orders from customers. In an effort to become Y2K complaint, the flower shop hires an outside consultant to examine his network for signs of the Y2K bug and solve any problems that exist. This process costs the flower shop just over $1,000 but is well worth the investment considering the shop wants to be in business in January 2000.

On January 1, 2000, flower shop finds that its payroll software is failing to operate. The shop owner contacts the software manufacturer, the computer manufacturer, and his consultant in order to find a solution. From the outset, the shop owner knows this delay means that he will be unable to calculate how much he owes the IRS in payroll taxes—not to mention, they will be late. For that small business owner that means a hefty penalty on top of the hassle and lost business the failure caused in the first place.

Under my legislation, this small business owner would not be facing IRS penalties. The flower shop will still have to pay the taxes, but they won't be hit with a fine for a computer problem outside of their control.

This is just one example of how this legislation would assist businesses as they attempt to become compliant. However, this legislation would also help many others. I have heard from several schools in my state that fear that if they lose federally required reporting information, they may face losses in federal funding. I have also heard from small, rural telephone cooperatives who fear that even a short-term Y2K-related systems disruption could result in significant FCC fines and penalties. The list is exhaustive. Virtually, anyone regulated by the federal government faces the unanswered question as to how the federal government will handle a Y2K systems disruption.

There is also an added benefit to this legislation. Because this defense would

only apply to those who have made good faith efforts to become compliant, it will serve as an added incentive for everyone to fix their Y2K problems upfront.

Some people will say this legislation is unnecessary. However, I believe it is prudent to define how the federal government will approach Y2K systems disruptions in a regulatory context. But, more importantly, I believe we need to establish the rules of the game in advance so that everyone is operating from the same page.

In closing, I would urge each of my colleagues to become a cosponsor of the Y2K Regulatory Amnesty Act and join with me in working to remediate the potential regulatory problems associated with the coming date change.

Mr. President, I ask that the full text of the bill be inserted in the RECORD.

The bill follows:

S. 723

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 ''Y2K Regulatory Amnesty Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) Y2K FAILURE.—The term ''Y2K failure'' means any failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions, however constructed, in processing, calculating, comparing, sequencing, displaying, storing, transmitting, or receiving date-related data, including—

(A) the failure to accurately administer or account for transitions or comparisons from, into, and between the 20th and 21st centuries, and between 1999 and 2000; or

(B) the failure to recognize or accurately process any specific date, and the failure accurately to account for the status of the year 2000 as a leap year.

(2) Y2K UPSET.—The term ''Y2K upset''—

(A) means an exceptional incident involving temporary noncompliance with applicable federally enforceable requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(B) does not include—

(i) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health or safety;

(ii) noncompliance to the extent caused by operational error or negligence;

(iii) lack of reasonable preventative maintenance; or

(iv) lack of preparedness for Y2K.

SEC. 3. CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.

A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(1) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(2) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(3) noncompliance with the applicable federally enforceable requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(4) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable requirements; and

(5) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

SEC. 4. GRANT OF A Y2K UPSET.

Subject to the other provisions of this Act, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in section 3 are met.

SEC. 5. LENGTH OF Y2K UPSET.

The maximum allowable length of the Y2K upset shall be not more than 30 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

SEC. 6. VIOLATION OF A Y2K UPSET.

Fraudulent use of the Y2K upset defense provided for in this Act shall be subject to penalties provided in section 1001 of title 18, United States Code.●

By Mr. INHOFE (for himself and Mr. SESSIONS):

S. 724. A bill to amend the Safe Drinking Water Act to clarify that underground injection does not include certain activities, and for other purposes; to the Committee on Environment and Public Works.

HYDRAULIC FRACTURING LEGISLATION

● Mr. INHOFE. Mr. President, I rise today to introduce a bill with my colleagues from Alabama, Senator Sessions, that will help our domestic oil and gas industry by reducing one of the many regulatory burdens that they must comply with.

Last year, I was informed of a case in Alabama in which the EPA was sued over their policy regarding underground injection and specifically, ''hydraulic fracturing''. This procedure is used in cases where product, such as gas is located in a tight geological formation such as a coalbed. A hole is drilled into that area and a fluid consisting of water, gel and sand is pumped down the wellbore into the formation creating a fracture zone. The gel and water are extracted during the initial production stage of the well while the sand is left to prop open the cracks in the formation.

When Congress originally passed the safe drinking water act (SDWA) in 1974, they intentionally left the underground protection control (UIC) program to the states. That act stated: ''the Administrator . . . may not prescribe requirements which interfere with or impede (injection activities associated with oil and gas production) unless such requirements are essential to assure that underground sources of drinking water will not be endangered by such injection.'' That concept was re-affirmed in 1980 when a provision was enacted specifically to recognize the adequacy of state programs, none of which required permitting for hydraulic fracturing in the construction or maintenance of oil and gas production wells.

So, when the lawsuit was filed in Alabama, and the court ruled in favor of the environmental organization that filed the suit, I was shocked. It seemed clear to me that the intent of the law was to leave the regulation of this procedure to the states. I have neither heard nor seen anything that would lead me to the conclusion that there is any contamination of drinking water because of hydraulic fracturing. In fact, I believe the EPA agrees with me. Let me read a letter from Carol Browner, the Administrator of the EPA, to Mr. David A. Ludder, General Council for the Legal Environmental Assistance Foundation, Inc (LEAF), the group that sued EPA over this procedure.

There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water. Repeated testing, conducted between May of 1989 and March of 1993, of the drinking water well which was the subject of this petition failed to show any chemicals that would indicate the presence of fracturing fluids.

That statement seems pretty straight forward and implies to me that EPA would be willing to work with us to solve this problem. Unfortunately, that is not the case. Senator Sessions and I, with assistance from Senator Chafee, have received nothing but stalling tactics. In late January, we drafted this language and sent it over to EPA hoping that we could resolve this issue quickly to provide relief to our producers. Unfortunately, they were not willing to work with us.

So here we are introducing a bill that is simple and solves the problem. This bill is short and to the point. In less than two pages we clarify that hydraulic fracturing is not underground injection and re-affirm that the administrator has the ability to determine what is regulated as underground injection, which is simply a clarification of an ability the administrator already possesses.

It is my hope that EPA will work with us as this bill moves through committee and come up with a solution that will allow our oil and gas guys to get back to work and get EPA to focus on issues which may pose a more immediate threat.●

Mr. SESSIONS. Mr. President, I rise today to introduce a bill along with my colleague Senator INHOFE, which makes a technical correction to the Safe Drinking Water Act. This bill will end a frivolous lawsuit, clarify the intent of Congress and allow our State regulators and the Environmental Protection Agency to focus on protecting underground drinking water.

This bill clarifies the Safe Drinking Water Act by exempting hydraulic fracturing from the definition of underground injection. Hydraulic fracturing is a process used in the production of coalbed methane. This process uses high pressure water, carbon dioxide and sand to create microscopic fractures in coal seams to release and extract methane, oil and gas. Most states in which hydraulic fracturing is used, including my own state of Alabama, have in place regulations to ensure hydraulic fracturing continues to be a technique used in a safe manner. This technique has been used safely by coalbed methane, oil and gas producers for over fifteen years and has never been attributed to causing even a single case of contamination to an underground drinking water source.

On May 3rd of 1994, the Legal Environmental Assistance Foundation (LEAF) submitted a Petition for Promulgation of a Rule to withdraw the EPA's approval for the state of Alabama's Underground Injection Control (UIC) program. LEAF cited a case in Alabama of alleged drinking well contamination to justify its lawsuit. The EPA carefully reviewed this petition and on May 5th of 1995 the Administrator of the EPA, Carol Browner wrote to LEAF and stated ''based on that review, I have determined that Alabama's implementation of the UIC program is consistent with the requirements of the Safe Drinking Water Act''. Administrator Browner continued ''There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water''. I ask unanimous consent that a complete copy of the text of that letter be inserted into the RECORD.

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit 1.)

Mr. SESSIONS: This single case in Alabama which initiated the LEAF lawsuit was investigated by three regulatory agencies; the State Oil and Gas Board of Alabama, the Alabama Department of Environmental Management and the U.S. Environmental Protection Agency. None of the three regulatory agencies could find any contamination attributable to hydraulic fracturing activities or levels of any contaminate exceeding Safe Drinking Water Act standards. In fact, a nationwide search for cases of contamination attributed to hydraulic fracturing was conducted by the Environmental Protection Agency and the Ground Water Protection Council. Not a single case of contamination was discovered.

As a result of the baseless lawsuit brought by the Legal Environmental Assistance Foundation, the EPA has begun the process of stripping away the authority of the State of Alabama to implement its Underground Injection Control program. Both the EPA and the state of Alabama must now spend precious resources, which could otherwise be used to address real drinking water problems, to establish federal regulations for a technique which poses no environmental threat. The impact of this action will undoubtably be felt by the people in Alabama and across the nation who are threatened by and in many cases, experiencing the effects of ground water contamination as regulating agencies waste their resources to address this non-problem.

I urge my colleagues to join us in passing this technical fix to the Safe Drinking Water Act.

EXHIBIT 1

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, May 5, 1995.

David A. Ludder, Esq.,
General Counsel, Legal Environmental Assistance Foundation, Inc., Tallahassee, FL.

DEAR MR. LUDDER: The Environmental Protection Agency (EPA) has received and carefully reviewed your May 3, 1994, Petition for Promulgation of a Rule Withdrawing Approval of Alabama's Underground Injection Control (UIC) Program. Based on that review, I have determined that Alabama's implementation of its UIC Program is consistent with the requirements of the Safe Drinking Water Act (42 U.S.C. §300h, *et seq.*) and EPA's UIC regulations (40 CFR Part 145). EPA does not regulate—and does not believe it is legally required to regulate—the hydraulic fracturing of methane gas production wells under its UIC Program.

There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water (USDW). Repeated testing, conducted between May of 1989 and March of 1993, of the drinking water well which was the subject of this petition failed to show any chemicals that would indicate the presence of fracturing fluids. The well was also sampled for drinking water quality and no constituents exceeding drinking water standards were detected. Moreover, given the horizontal and vertical distance between the drinking water well and the closest methane gas production wells, the possibility of contamination or endangerment of USDWs in the area is extremely remote. Hydraulic fracturing is closely regulated by the Alabama State Oil and Gas Board, which requires that operators obtain authorization prior to all fracturing activities.

Accordingly, I have decided to deny your petition. Enclosed you will find a detailed response to each contention in your petition, which further explains the basis for this denial.

Sincerely,

CAROL M. BROWNER,
Administrator.

By Ms. SNOWE (for herself and Mr. MCCAIN):

S. 725. A bill to preserve and protect coral reefs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CORAL REEF CONSERVATION ACT OF 1999

Ms. SNOWE. Mr. President, I rise today to introduce the Coral Reef Conservation Act of 1999. I am pleased that Senator MCCAIN, Chairman of the Commerce, Science, and Transportation Committee, is joining me as a cosponsor in this effort to protect, sustain, and restore the health of coral reef ecosystems.

Coral reefs are among the world's most biologically diverse and productive ecosystems. Reefs serve as essential habitat for many marine organisms, enhancing commercial fisheries and stimulating tourism. They provide protection to coastal areas from storm surges and erosion, and offer many untold potential benefits such as new pharmaceuticals, some of which are presently being identified, developed, and tested. Unfortunately, coral reef ecosystems are in decline.

In 1998, coral reefs around the world appear to have suffered the most extensive and severe bleaching damage and subsequent mortality in modern times. Reefs in at least 60 countries were affected, and in some areas, more than 70 percent of the corals died off. These impacts have been attributed to the warmest ocean temperatures in 600 years. In addition to these impacts, however, it is estimated that 58 percent of the world's reefs are threatened by human activity such as inappropriate coastal development, destructive fishing practices, and other forms of overexploitation.

As a result of these stressors, coral reef habitat has been damaged and destroyed. Diseases of coral and reef-based organisms are expanding rapidly. Most of the diseases being tracked have only recently been discovered and are not widely understood. These serious problems highlight the need for more research to unravel the complex interactive effects between natural and human-induced stressors on coral reefs, and for more conservation and management activities.

The United States is not immune to these problems. Large coral reef systems exist in Florida, Hawaii, Texas, and various U.S. territories in the Caribbean and the Pacific. These reefs produce significant economic benefits for surrounding communities. In Florida, for example, the reefs contribute approximately 1.6 billion dollars annually to the state economy. But despite these clear benefits, U.S. reefs suffer from some of the same problems that affect reefs in other parts of the world.

Mr. President, this bill authorizes $3,800,000 in each of fiscal years 2000, 2001, and 2002 for a Coral Reef Conservation Program in the National Oceanic and Atmospheric Administration to provide conservation and research grants to states, U.S. territories, and qualified non-governmental institutions. Eligible conservation projects will focus on the promotion of sustainable development and work to ensure the effective, long-term conservation of coral reefs. Potential research projects will address use conflicts and develop sound scientific information on the condition of and threats to coral reef ecosystems.

The bill also authorizes NOAA to enter into an agreement with a qualified non-governmental organization to create a trust fund that will match private contributions to federal contributions and provide additional funding for worthy conservation and research projects. Through this mechanism, federal dollars can be used to leverage more dollars from the private sector for grants.

In addition, this bill authorizes $200,000 for each of fiscal years 2000, 2001, and 2002 for emergency assistance, which would be be provided through grants to address unforeseen or disaster-related problems pertaining to coral reefs.

Based on early reports, the repercussions of the 1998 mass bleaching and mortality events will be far-reaching in time and economic impact. This development, along with the continuing pressures from other sources, demonstrates the need for an increase in the effort to protect our coral reefs. The legislation I am introducing today provides a reasonable, cooperative vehicle to address these concerns.

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. 725

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 ''Coral Reef Conservation Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this title are:

(1) to preserve, sustain, and restore the health of coral reef ecosystems;

(2) to assist in the conservation and protection of coral reefs by supporting conservation programs;

(3) to provide financial resources for those programs; and

(4) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

SEC. 3. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CORAL.—The term ''coral'' means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyanacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals), of the class Hydrozoa.

(3) CORAL REEF.—The term ''coral reef'' means those species (including reef plants), habitats, and other natural resources associated with any reefs or shoals composed primarily of corals within all maritime areas and zones subject to the jurisdiction or control of the United States (e.g., Federal, State, territorial, or commonwealth waters), including in the south Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean.

(4) CORALS AND CORAL PRODUCTS.—The term ''corals and coral products'' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (2).

(5) CONSERVATION.—The term ''conservation'' means the use of methods and procedures necessary to preserve or sustain corals and species associated with coral reefs as diverse, viable, and self-perpetuating coral reefs, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; and community outreach and education.

(6) ORGANIZATION.—The term ''organization'' means any qualified non-profit organization that promotes coral reef conservation.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 4. CORAL REEF CONSERVATION PROGRAM.

(a) GRANTS.—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs, hereafter called coral conservation projects, for proposals approved by the Administrator in accordance with this section.

(b) MATCHING REQUIREMENTS.—

(1) Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) The Administrator may waive all or part of the matching requirement under paragraph (1) if—

(A) the project costs are $25,000 or less; or

(B) the Administrator determines that no reasonable means are available through which applicant can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) ELIGIBILITY.—Any relevant natural resource management authority of a State or territory of the United States or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or educational or non-governmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal submitted under subsection (e) of this section.

(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) of this section during a fiscal year are distributed in the following manner—

(1) no less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean;

(2) no less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, Gulf of Mexico, and the Caribbean Sea; and

(3) remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator in consultation with the Coral Reef Task Force under subsection (i).

(e) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A succinct statement of the purposes of the project.

(3) A description of the qualifications of the individuals who will conduct the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

(7) A description of how the project meets one or more of the criteria in subsection (g) of this section.

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each final coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 3 months after receiving a final project proposal under this section, the Administrator shall—

(A) request written comments on the proposal from each State or territorial agency of the United States or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reefs or coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) for projects costing more than $25,000, provide for the regional, merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States, territories, and other government jurisdictions.

(g) CRITERIA FOR APPROVAL.—The Administrator may approve a final project proposal under this section based on the extent that the project will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reef;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of corals, species associated with coral reefs, and coral products or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems;

(5) promoting cooperative projects on coral reef conservation that involve affected local communities, non-governmental organizations, or others in the private sector; or

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long-term conservation.

(h) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports, as specified by the Administrator. Each report shall include all information required by the Secretary for evaluating the progress and success of the project.

(i) CORAL REEF TASK FORCE.—The Administrator may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998), to obtain guidance in establishing coral conservation project priorities under this section.

(j) IMPLEMENTATION GUIDELINES.—Within 90 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with regional and local entities involved in setting priorities for conservation of coral reefs.

SEC. 5. CORAL REEF CONSERVATION FUND.

(a) FUND.—The Administrator may enter into an agreement with an organization authorizing such organization to receive, hold and administer funds received pursuant to this section. The organization shall invest, reinvest and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the public and private sectors that further the purposes of this title.

(b) AUTHORIZATION TO SOLICIT DONATIONS.—Consistent with 16 U.S.C. 3703, and pursuant to the agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold administer and use any gift or donation to further the purposes of this title. Such funds shall be deposited and maintained in the Fund established by an organization under subsection (a) of this section.

(c) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section.

(d) ADMINISTRATION.—Under the agreement entered into pursuant to subsection (a) of this section, the Administrator may transfer funds appropriated to carry out this Act to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in currency, services, or property) made to the organization by private persons and State and local government agencies.

SEC. 6. EMERGENCY ASSISTANCE.

The Administrator may make grants to any State, local or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster related circumstance pertaining to coral reefs or coral reef ecosystems.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary $3,800,000 for each of fiscal years 2000, 2001, and 2002 for grants under section 4, which may remain available until expended.

(2) There are authorized to be appropriated to the Secretary $200,000 for each of fiscal years 2000, 2001, and 2002 for emergency assistance under section 6.

(b) USE OF AMOUNTS APPROPRIATED.—Not more than 5 percent of the amounts appropriated under subsection (a) may be used by the Secretary, through the Administrator, for administration of this title.

(c) LIMITATION.—Only amounts appropriated to implement this title are subject to its requirements.

● Mr. MCCAIN. Mr. President, I rise today in support of the Coral Reef Conservation Act of 1999. The bill that I have sponsored, along with Senator SNOWE, the Chair of the Commerce Committee's Subcommittee on Oceans and Fisheries, represents strong and balanced environmental policy. I wish to thank Senator SNOWE for her leadership in this area. This bill is a positive step forward to improve the conditions of our coral reefs and the many types of life that live in and among these reefs.

The bill is designed to build partnerships with local and State entities to facilitate coral reef conservation. It creates a competitive matching-grant program which would provide funding for local and State governments and qualified non-profit organizations which have experience in coral reef monitoring, research, conservation, and public education projects. The bill requires that federal funds provide no more than 50 percent of the cost of the project. However, it also helps local communities that do not have the ability to raise sufficient matching funds. Therefore, the matching requirement may be waived for qualified proposals under $25,000.

Under the bill that Senator SNOWE and I have introduced today, the matching-grant program will maximize funding for important coral reef conservation projects. Our coral reefs are certainly in need of this type of funding. Indeed, coral reefs are the foundation of one of the Earth's most productive and diverse ecosystems, providing food and shelter for at least one million different types of animals, plants and other sea life. Coastal communities realize the benefit of coral reefs through enhanced fisheries, coastal protection, tourism, and the development of medicines used to fight cancer and produce antibiotics and pain relievers. Unfortunately, in 1998, coral reefs suffered some of the most extensive damage ever recorded. What caused so much damage? There are no certain answers. Record-breaking ocean temperatures and a severe El Nino event are the most likely culprits. What we do know is that these global events triggered massive die-offs of coral reefs through a process known as coral ''bleaching''. In essence, bleaching occurs when coral reefs are exposed to environmental stress, including elevated sea temperatures. This results in the loss of an essential food source, so the coral—a living creature—may starve to death. This coral reef bleaching makes the identification of the most injured reefs fairly obvious. The difficult task then becomes what can be done to prevent such a loss in the future and what, if anything, can be done to revive already damaged reefs?

I think this bill is a very good starting point. With this legislation, Senator SNOWE and I will put in place a way to provide responsible and effective funding for coral reef conservation, monitoring, research, and public education. One half of our country's population lives and works in a coastal community. This bill is good for the environment and good for the many Americans who depend on the ocean for their livelihoods. I urge my colleagues to support this bill.●

By Mr. CAMPBELL (for himself and Mr. TORRICELLI):

S. 726. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

OFFICER DALE CLAXTON BULLET RESISTANT POLICE PROTECTIVE EQUIPMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am introducing legislation to help our nation's state and local law enforcement officers acquire the bullet resistant equipment they need to protect themselves from would-be killers.

I am joined today by my colleague, Senator TORRICELLI, as an original cosponsor of this legislation.

This bill, the ''Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999,'' is based on S. 2253, which I introduced in the 105th Congress. This bill is named in memory of Dale Claxton, a Cortez, Colorado, police officer who was fatally shot through the windshield of his patrol car last year. A bullet resistant windshield could have saved his life.

Unfortunately, incidents like this are far from isolated. All across our nation law enforcement officers, whether in hot pursuit, driving through dangerous neighborhoods, or pulled over on the side of the road behind an automobile, are at risk of being shot through their windshields. We must do what we can to prevent these kinds of tragedies as better, lighter and more affordable types of bullet resistant glass and other equipment become available. For the purposes of this bill I use the technically more accurate term ''bullet resistant'' instead of the more commonplace ''bullet proof'' since, even though we all wish they could be, few things are truly ''bullet proof.''

While I served as a deputy sheriff in Sacramento County, California, I became personally aware of the inherent

dangers law enforcement officers encounter each day on the front lines. Now that I serve as a U.S. senator here in Washington, DC, I believe we should do what we can to help our law enforcement officers protect themselves as they risk their lives while protecting the American people from violent criminals.

One important way we can do this is to help them acquire bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving bullet resistant equipment. This assistance is especially crucial for small local jurisdictions that often lack the funds needed to provide their officers with the life saving bullet resistant equipment they need.

The Officer Dale Claxton bill builds upon the successes of the Bulletproof Vest Partnership Grant Act, S. 1605, which I introduced in the 105th Congress and the president signed into law last June. This program provides matching grants to state and local law enforcement agencies to help them purchase body armor for their officers. This bill builds upon this worthy program by expanding it to help them acquire additional types of bullet resistant equipment.

The bill I introduce today has four main components. The first part authorizes continued funding for the current Bulletproof Vest Partnership Grant Act program at $25 million per year.

The second and central part of this legislation authorizes a new $40 million matching grant program to help state, local, tribal and other small law enforcement agencies acquire bullet resistant equipment such as bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving equipment.

The third component of this bill, as promoted by Senator TORRICELLI, would authorize a $25 million matching grant program for the purchase of video cameras for use in law enforcement vehicles.

These three matching grants are authorized for fiscal years 2000 through 2002 and would be allocated by the Bureau of Justice Assistance according to a formula that ensures fair distribution for all states, local communities, tribes and U.S. territories. To help ensure that these matching grants get to the jurisdictions that need them the most the bureau is directed to make at least half of the funds available to those smaller jurisdictions whose budgets are the most financially constrained.

The final key part of this bill provides the Justice Department's National Institute of Justice (NIJ) with $3 million over 3 years to conduct an expedited research and development program to speed up the deployment of new bullet resistant technologies and equipment. The development of new bullet resistant materials in the next few years could be as revolutionary in the next few years as Kevlar was for body armor in the 1970s. Exciting new technologies such as bonded acrylic, polymers, polycarbons, aluminized material and transparent ceramics promise to provide for lighter, more versatile and hopefully less expensive bullet resistant equipment.

The Officer Dale Claxton bill also directs the NIJ to inventory existing technologies in the private sector, in surplus military property, and in use by other countries and to evaluate, develop standards, establish testing guidelines, and promote technology transfer.

Under the bill, the Institute would give priority in testing and feasibility studies to law enforcement partnerships developed in coordination with existing High Intensity Drug Trafficking Areas (HIDTAs).

Our nation's state, local and tribal law enforcement officers regularly put their lives in harm's way and deserve to have access to the bullet resistant equipment they need. The Officer Dale Claxton bill will both get life saving bullet resistant equipment deployed into the field where it is needed and accelerate the development of new life-saving bullet resistant technologies. I urge my colleagues to support passage of this bill.

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. 726

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 ''Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

''PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

''Subpart A—Grant Program For Armor Vests'';

(2) by striking ''this part'' each place that term appears and inserting ''this subpart''; and

(3) by adding at the end the following:

''Subpart B—Grant Program For Bullet Resistant Equipment

''SEC. 2511. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—the Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe, and

''(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described inder the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than

20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2512. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assitance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

''SEC. 2513. DEFINITIONS.

''In this subpart—

''(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

''(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

''(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

''Subpart C—Grant Program For Video Cameras

''SEC. 2521. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2522. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

''SEC. 2523. DEFINITIONS.

''In this subpart—

''(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

''(2) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders;

''(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

''(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.''.

(b) AUTHORIATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

''(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

''(C) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.''.

SEC. 4. SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

''(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

''(1) IN GENERAL.—The institute is authorized to—

''(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

''(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

''(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

''(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2000 through 2002.''.

By Mr. CAMPBELL (for himself and Mr. HATCH):

S. 727. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

LAW ENFORCEMENT PROTECTION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce a bill to authorize States to recognize each other's concealed weapons laws and exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms. This legislation is designed to support the rights of States and to facilitate the right of law-abiding citizens as well as law enforcement officers to protect themselves, their families, and their property. I am pleased to be joined by the chairman of the Judiciary Committee, Senator HATCH as an original cosponsor of this legislation.

The language of this bill is based on my bill, S. 837, in the 105th Congress and is similar to a provision in S. 3, the Omnibus Crime Control Act of 1997, introduced by Senator HATCH. In light of the importance of this provision to law-abiding gunowners and law enforcement officers, I am introducing this freestanding bill today for the Senate's consideration and prompt action.

This bill allows States to enter into agreements, known as ''compacts,'' to recognize the concealed weapons laws of those States included in the compacts. This is not a Federal mandate; it is strictly voluntary for those States interested in this approach. States would also be allowed to include provisions which best meet their needs, such as special provisions for law enforcement personnel.

This legislation would allow anyone possessing a valid permit to carry a concealed firearm in their respective State to also carry it in another State, provided that the States have entered into a compact agreement which recognizes the host State's right-to-carry laws. This is needed if you want to protect the security individuals enjoy in their own State when they travel or simply cross State lines to avoid a crazy quilt of differing laws.

Currently, a Federal standard governs the conduct of nonresidents in those States that do not have a right-to-carry statute. Many of us in this body have always strived to protect the interests of States and communities by allowing them to make important decisions on how their affairs should be conducted. We are taking to the floor almost every day to talk about mandating certain things to the States. This bill would allow States to decide for themselves.

Specifically, the bill allows that the law of each State govern conduct within that State where the State has a right-to-carry statute, and States determine through a compact agreement which out-of-State right-to-carry statute will be recognized.

To date, 31 States have passed legislation making it legal to carry concealed weapons. These State laws enable citizens of those States to exercise their right to protect themselves, their families, and their property.

The second major provision of this bill would allow qualified current and former law enforcement officers who are carrying appropriate written identification of that status to be exempt from State laws that prohibit the carrying of concealed weapons. This provision sets forth a checklist of stringent criteria that law enforcement officers must meet in order to qualify for this exemption status. Exempting qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed weapons, I believe, would add additional forces to our law enforcement community in our unwavering fight against crime.

I ask unanimous consent that the bill be printed in the RECORD.

Mr. President, I urge my colleagues to support this bill.

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

S. 727

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 ''Law Enforcement Protection Act of 1999''.

SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

''§ 926B. Carrying of concealed firearms by qualified current and former law enforcement officers

''(a) IN GENERAL.—Notwithstanding any provision of the law of any State or any political subdivision of a State, an individual may carry a concealed firearm if that individual is—

''(1) a qualified law enforcement officer or a qualified former law enforcement officer; and

''(2) carrying appropriate written identification.

''(b) EFFECT ON OTHER LAWS.—

''(1) COMMON CARRIERS.—Nothing in this section shall be construed to exempt from section 46505(B)(1) of title 49—

''(A) a qualified law enforcement officer who does not meet the requirements of section 46505(D) of title 49; or

''(B) a qualified former law enforcement officer.

''(2) FEDERAL LAWS.—Nothing in this section shall be construed to supersede or limit any Federal law or regulation prohibiting or restricting the possession of a firearm on any Federal property, installation, building, base, or park.

''(3) STATE LAWS.—Nothing in this section shall be construed to supersede or limit the laws of any State that—

''(A) grant rights to carry a concealed firearm that are broader than the rights granted under this section;

''(B) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

''(C) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

''(4) DEFINITIONS.—In this section:

''(A) APPROPRIATE WRITTEN IDENTIFICATION.—The term 'appropriate written identification' means, with respect to an individual, a document that—

''(i) was issued to the individual by the public agency with which the individual serves or served as a qualified law enforcement officer; and

''(ii) identifies the holder of the document as a current or former officer, agent, or employee of the agency.

''(B) QUALIFIED LAW ENFORCEMENT OFFICER.—The term 'qualified law enforcement officer' means an individual who—

''(i) is presently authorized by law to engage in or supervise the prevention, detection, or investigation of any violation of criminal law;

''(ii) is authorized by the agency to carry a firearm in the course of duty;

''(iii) meets any requirements established by the agency with respect to firearms; and

''(iv) is not the subject of a disciplinary action by the agency that prevents the carrying of a firearm.

''(C) QUALIFIED FORMER LAW ENFORCEMENT OFFICER.—The term 'qualified former law enforcement officer' means, an individual who is—

''(i) retired from service with a public agency, other than for reasons of mental disability;

''(ii) immediately before such retirement, was a qualified law enforcement officer with that public agency;