

and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. CHAFEE, for the Committee on Environment and Public Works:

Major General Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years. (Reappointment)

Brigadier General Robert H. Griffin, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Paul L. Hill, Jr., of West Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004, vice Shirley Ann Jackson, term expired.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LAUTENBERG:

S. 1657. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Albania; to the Committee on Finance.

By Mr. DASCHLE:

S. 1658. A bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Indian Affairs.

By Mr. BURNS:

S. 1659. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 1660. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. LOTT):

S. 1661. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for

other purposes; to the Committee on the Judiciary.

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

S. 1662. A bill to grant the President authority to proclaim the elimination or staged rate reduction of duties on certain environmental goods; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. COVERDELL):

S. 1663. A bill to combat money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNETT:

S. 1664. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

S. 1665. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. FITZGERALD, and Mr. HELMS):

S. 1666. A bill to provide risk education assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM:

S. 1667. A bill to impose a moratorium on the export of bulk fresh water from the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. HUTCHINSON, and Ms. MIKULSKI):

S. 1668. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CAMPBELL (for himself, Mr. GRAMM, Mr. ASHCROFT, Mr. KERRY, and Mr. ROBB):

S. Res. 190. A resolution designating the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LEAHY, Mr. CHAFEE, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY):

S. Res. 191. A resolution expressing the sense of the Senate regarding East Timor and supporting the multinational force for East Timor; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. SCHUMER, Mr. BAUCUS, Mr. KERRY, Mr. SARBANES, Mr. BROWNBACK, Mr. HATCH, Mr. REID, Mr. DURBIN, Mr. FEINGOLD, Mr. NICKLES, Mr. LUGAR, Mr. KOHL, Mr. LEVIN, Mr. BOND, Mr. DODD, and Mr. SESSIONS):

S. Con. Res. 57. A concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1657. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Albania; to the Committee on Finance.

REMOVAL OF ALBANIA FROM JACKSON-VANIK TRADE RESTRICTIONS

Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill authorizing the President to grant permanent Normal Trade Relations status to Albania, overcoming the so-called Jackson-Vanik restrictions in Title IV of the Trade Act. This legislation is urgently needed so that when Albania joins the World Trade Organization later this year, the United States can enter into full WTO relations with this market-oriented country in the Balkans.

Mr. President, I offer this legislation and seek the support of my colleagues for three reasons: First, the Cold War-era Jackson-Vanik restrictions are no longer relevant for Albania. We should free our relations with Albania from restrictions applied to communist countries. The Jackson-Vanik restrictions applied to countries with non-market economies which limited emigration. Albania now has a market economy which some may argue needs more regulation. Albanians are now also free to emigrate, sometimes much to the chagrin of Albania's neighbors. The President certified Albania to be in compliance with the Jackson-Vanik requirements in January 1998 and has continued to report that Albania remains in compliance. The certification process is simply a relic of the Cold War.

Second, granting Albania permanent Normal Trade Relations, or NTR, status through the WTO will encourage and support Albania's free-trade orientation and integration into the global trading system. Little more than a decade ago, Albania was closed off from the rest of the world by a severely Stalinist regime. Today, all major political forces in Albania—including the governing Socialist Party and the opposition Democratic Party, which led the first post-Communist government—support democracy, free trade and integration with the West. A delegation from Albania's Parliament made clear the breadth and depth of support for Albania's WTO membership. Albania has enacted virtually all the necessary legislation and implementing regulations necessary to meet WTO standards and will implement the rest prior to its WTO accession. They will not even require a transition period. We should reward this tremendous positive change by welcoming Albania into the WTO and opening our markets to Albanian goods on a fair basis negotiated through the WTO.

Third, this bill will benefit U.S. firms by securing Albania's commitment to WTO standards and giving the United

States access to WTO dispute settlement mechanisms with regard to Albania. The annual certification requirement under existing law would require the United States to demur from entering into full WTO relations with Albania when that country becomes a member later this year. Thus, without the enactment of this legislation, we will not have access to WTO dispute settlement mechanisms and will only be able to engage in economic relations with Albania on a bilateral basis.

Mr. President, for the reasons I have outlined—moving beyond the Cold War, supporting development of a market economy and democracy in Albania, and providing WTO protection of market access for American businesses—I hope the Congress will enact this legislation. The United States has been a leading advocate for Albania's accession into the WTO. We should continue that support by passing this legislation. I would ask the Finance Committee and the full Senate to act expeditiously so this bill can be signed into law before Albania becomes a WTO member.

At this point, Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1657

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

(3) Albania has concluded a bilateral investment treaty with the United States.

(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosova crisis.

(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Albania; and

(2) after making a determination under paragraph (1) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Albania, title IV of the Trade Act of 1974 shall cease to apply to that country.

By Mr. DASCHLE:

S. 1658. A bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Indian Affairs.

WAKPA SICA RECONCILIATION PLACE ACT

Mr. DASCHLE, Mr. President, at the request of tribal leaders throughout my state, today I am introducing legislation to establish the Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota.

This history of South Dakota is carved with the rich cultural traditions of numerous Sioux tribes who lived on the plains for centuries and inlaid with the stories of immigrants who came during the last two hundred years to settle the towns, plow the earth, shepherd livestock and mine gold. The story of that settlement, and the mingling of Indian and non-Indian people, has not always been a peaceful one, and today in South Dakota we continue to face the challenges of disparate communities of Indians and non-Indians living side-by-side, often imbued with misunderstanding and mistrust. As a result, there is a growing recognition of the need for reconciliation between Indian and non-Indians.

It is my hope that through the establishment of a Reconciliation Place, we can promote a better understanding of the history and culture of the Sioux people and by doing so, achieve better relations between Indian and non-Indian peoples. The Reconciliation Place will provide a home for a center of Sioux law, history, culture, and economic development for the Lakota, Dakota and Nakota tribes of the upper Midwest, and thus will help preserve the strong and unique cultural heritage of the Sioux.

The Reconciliation Place will enhance the knowledge and understanding of the history of the Sioux by displaying and interpreting the history, art, and culture of the tribes of this region. It will also provide an important repository for the Sioux Nation history and the family histories for individual members of the tribes, and other important historical documents. The majority of the historic documents and archives of this region are kept in government facilities that are scattered across the West and are almost inaccessible to the people of this area. The Reconciliation Place will provide a central repository for these important elements of Sioux history, allowing easy access to tribal members interested in exploring their past.

By empowering the Sioux tribes to establish their own Sioux Nation Supreme Court, the bill will help achieve greater social and economic stability in Indian Country. Moreover, the court will bring the legal certainty and predictability to the reservations necessary for businesspeople to have the confidence to make investments in tribal enterprises. This, in turn, will generate the economic infrastructure

needed to create more jobs on reservations.

Finally, the legislation establishes a Native American Economic Development Council to assist the Sioux tribes by providing opportunities for economic development and job creation. Specifically, the council will provide expertise and technical support to Indians to help gain access to existing sources of federal assistance, while raising funds from private entities to match federal contributions. Funding obtained by the Council will be used to provide grants, loans, scholarships, and technical assistance to tribes and their members, for business education and job creation.

Mr. President, the need for this Reconciliation Place is clear. It will provide a focal point for public and private organizations to better assist Native Americans to protect their past, strengthen their present, and build a bright economic future. The Reconciliation Place will respect and complement the government-to-government relationship established between the tribes and the United States. I urge my colleagues to support the establishment of this Reconciliation Place and am hopeful that this legislation can be enacted in the near future. I ask unanimous consent that the text of the bill and a letter of support by tribal leaders from South Dakota, North Dakota and Nebraska to the Wakpa Sica Board of Directors be printed in the RECORD.

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

S. 1658

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

SECTION 1. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs; and

(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—

(A) coordinating economic development efforts;

(B) centralizing expertise concerning Federal assistance; and

(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section

4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

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

(3) SIOUX NATION.—The term “Sioux Nation” means the Indian tribes comprising the Sioux Nation.

TITLE I—RECONCILIATION CENTER

SEC. 101. RECONCILIATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as “Reconciliation Place”.

(b) PURPOSES.—The purposes of Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(c) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development \$17,258,441, to be used for the grant under this section.

SEC. 102. SIOUX NATION TRIBAL COURT.

(a) IN GENERAL.—To ensure the development and operation of the Sioux National Tribal Supreme Court, the Attorney General of the United States shall provide such technical and financial assistance to the Sioux Nation as is necessary.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

TITLE II—NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL

SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Native American Economic Development Council (in this title referred to as the “Council”). The Council shall be charitable and nonprofit corporation and shall not be considered to be an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Council are—

(1) to encourage, accept, and administer private gifts of property;

(2) to use those gifts as a source of matching funds necessary to receive Federal assistance;

(3) to provide members of Indian tribes with the skills and resources for establishing successful businesses;

(4) to provide grants and loans to members of Indian tribes to establish or operate small businesses;

(5) to provide scholarships for members of Indian tribes who are students pursuing an education in business or a business-related subject; and

(6) to provide technical assistance to Indian tribes and members thereof in obtaining Federal assistance.

SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Council shall have a governing Board of Directors (in this title referred to as the “Board”).

(2) MEMBERSHIP.—The Board shall consist of 11 directors, who shall be appointed by the Secretary as follows:

(A)(i) 9 members appointed under this paragraph shall represent the 9 reservations of South Dakota.

(ii) Each member described in clause (i) shall—

(I) represent 1 of the reservations described in clause (i); and

(II) be selected from among nominations submitted by the appropriate Indian tribe.

(B) 1 member appointed under this paragraph shall be selected from nominations submitted by the Governor of the State of South Dakota.

(C) 1 member appointed under this paragraph shall be selected from nominations submitted by the most senior member of the South Dakota Congressional delegation.

(3) CITIZENSHIP.—Each member of the Board shall be a citizen of the United States.

(b) APPOINTMENT AND TERMS.—

(1) APPOINTMENT.—Not later than December 31, 2000, the Secretary shall appoint the directors of the Board under subsection (a)(2).

(2) TERMS.—Each director shall serve for a term of 2 years.

(3) VACANCIES.—A vacancy on the Board shall be filled not later than 60 days after that vacancy occurs, in the manner in which the original appointment was made.

(4) LIMITATION ON TERMS.—No individual may serve more than 3 consecutive terms as a director.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a term of 2 years.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Secretary and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(g) GENERAL POWERS.—

(1) POWERS.—The Board may complete the organization of the Council by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Council under this Act; and

(C) carrying out such other actions as may be necessary to carry out the purposes of the Council under this Act.

(2) EFFECT OF APPOINTMENT.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(3) LIMITATIONS.—The following limitations shall apply with respect to the appointment of officers and employees of the Council:

(A) Officers and employees may not be appointed until the Council has sufficient funds to pay them for their service.

(B) Officers and employees of the Council—

(i) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) SECRETARY OF THE BOARD.—The first officer or employee appointed by the Board shall be the secretary of the Board. The secretary of the Board shall—

(A) serve, at the direction of the Board, as its chief operating officer; and

(B) be knowledgeable and experienced in matters relating to economic development and Indian affairs.

SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.

(a) CORPORATE POWERS.—To carry out its purposes under section 201(b), the Council shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in South Dakota, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to carry out any action that is necessary and proper to carry out the purposes of the Council.

(b) OTHER POWERS AND OBLIGATIONS.—

(1) IN GENERAL.—The Council—

(A) shall have perpetual succession;

(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

(C) shall have its principal offices in South Dakota; and

(D) shall at all times maintain a designated agent authorized to accept service of process for the Council.

(2) SERVICE OF NOTICE.—The serving of notice to, or service of process upon, the agent required under paragraph (1)(D), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Council.

(c) SEAL.—The Council shall have an official seal selected by the Board, which shall be judicially noticed.

(d) CERTAIN INTERESTS.—If any current or future interest of a gift under subsection

(a)(1) is for the benefit of the Council, the Council may accept the gift under such subsection, even if that gift is encumbered, restricted, or subject to beneficial interests of 1 or more private persons.

SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) **PROVISION OF SERVICES.**—The Secretary may provide personnel, facilities, and other administrative services to the Council, including reimbursement of expenses under section 202, not to exceed then current Federal Government per diem rates, for a period ending not later than 5 years after the date of enactment of this Act.

(b) **REIMBURSEMENT.**—

(1) **IN GENERAL.**—The Council may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

(2) **CONTINUATION OF CERTAIN ASSISTANCE.**—Notwithstanding any other provision of this section, the Secretary is authorized to continue to provide facilities, and necessary support services for such facilities, to the Council after the date specified in subsection (a), on a space available, reimbursable cost basis.

SEC. 205. VOLUNTEER STATUS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Council, the Board, and the officers and employees of the Board, without compensation from the Secretary, as volunteers in the performance of the functions authorized under this Act.

(b) **INCIDENTAL EXPENSES.**—The Secretary is authorized to provide for incidental expenses, including transportation, lodging, and subsistence to the officers and employees serving as volunteers under subsection (a).

SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) **AUDITS.**—The Council shall be subject to auditing and reporting requirements under section 10101 of title 36, United States Code, in the same manner as is a corporation under part B of that title.

(b) **REPORT.**—As soon as practicable after the end of each fiscal year, the Council shall transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) **RELIEF WITH RESPECT TO CERTAIN COUNCIL ACTS OR FAILURE TO ACT.**—If the Council—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes of the Council under section 201(b); or

(2) refuses, fails, or neglects to discharge the obligations of the Council under this Act, or threatens to do so;

then the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 207. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Council. The full faith and credit of the United States shall not extend to any obligation of the Council.

SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.

(a) **GRANTS.**—

(1) **IN GENERAL.**—Not less frequently than annually, the Secretary shall award a grant to the Council, to be used to carry out the purposes specified in section 201(b) in accordance with this section.

(2) **GRANT AGREEMENTS.**—As a condition to receiving a grant under this section, the secretary of the Board, with the approval of the Board, shall enter into an agreement with the Secretary that specifies the duties of the Council in carrying out the grant and the information that is required to be included in the agreement under paragraphs (3) and (4).

(3) **MATCHING REQUIREMENTS.**—Each agreement entered into under paragraph (2) shall specify that the Federal share of a grant under this section shall be 80 percent of the cost of the activities funded under the grant. No amount may be made available to the Council for a grant under this section, unless the Council has raised an amount from private persons and State and local government agencies equivalent to the non-Federal share of the grant.

(4) **PROHIBITION ON THE USE OF FEDERAL FUNDS FOR ADMINISTRATIVE EXPENSES.**—Each agreement entered into under paragraph (2) shall specify that no Federal funds made available to the Council (under the grant that is the subject to the agreement or otherwise) may be used by the Council for administrative expenses of the Council, including salaries, travel and transportation expenses, and other overhead expenses.

(b) **TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—Each agency head listed in paragraph (2) shall provide to the Council such technical assistance as may be necessary for the Council to carry out the purposes specified in section 201(b).

(2) **AGENCY HEADS.**—The agency heads listed in this paragraphs are as follows:

(A) The Secretary of Housing and Urban Development.

(B) The Secretary of the Interior.

(C) The Commissioner of Indian Affairs.

(D) The Assistant Secretary for Economic Development of the Department of Commerce.

(E) The Administrator of the Small Business Administration.

(F) The Administrator of the Rural Development Administration.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**—There are authorized to be appropriated to the Department of the Interior, \$10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004, to be used in accordance with section 208.

(b) **ADDITIONAL AUTHORIZATION.**—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Council under any other provision of Federal law.

MARCH 1998.

To: Wakpa Sica Historical Society; Board of Directors.

LADIES AND GENTLEMEN: In my years of experience as a Tribal Leader, I have encountered few projects that hold as much promise for building understanding between Tribal and non-Tribal people as the Wakpa Sica Reconciliation Center project.

Lakota, Dakota and Nakota Sioux people in North Dakota, South Dakota and Nebraska are the third largest Indian population in the nation and our reservations are within easy driving distance of the Reconciliation Center project site. The Reconciliation Center will include a theater, repatriation area, Tribal court judges' chambers, gift shop, museum area, story circle, educational center, genealogical center, Law library and staff offices.

As Tribal Chairman, I would like to extend my endorsement as a member of the United Sioux Organization.

Tribal Chairman Signatures: We the undersigned elected leadership are representative of our Indian Reservations do hereby support this Wakpa Sica Project.

Charlie Murphy, Chairman, Standing Rock Sioux Reservation; Michael B. Jandreau, Chairman, Lower Brule Sioux Reservation; Norm Wilson, Chairman, Rosebud Sioux Reservation; Steve Cournoyer, Chairman, Yanton Sioux Reservation; Mura Pearson, Chairperson, Spirit Lake Sioux Reservation; John Steele, Chairman, Oglala Sioux Reservation; Richard Allen, Chairman, Flandreau Santee Sioux Reservation; Arthur Denny, Chairman, Santee Sioux Reservation; Duane Big Eagle, Chairman, Crow Creek Sioux Reservation; Andrew Grey, Sr., Chairman, Sisseton Wahpeton Sioux Reservation.

By Mr. BURNS:

S. 1659. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Energy and Natural Resources.

LOWER YELLOWSTONE IRRIGATION PROJECTS
TITLE TRANSFER

● Mr. BURNS. Mr. President, I rise today to introduce a piece of legislation that helps a large number of family farms on the border of Montana and North Dakota. The Lower Yellowstone Irrigation Projects Title Transfer moves ownership of these irrigation projects from federal control to local control. Both the Bureau of Reclamation and those relying on the projects for their livelihood agree that there is little value in having the federal government retain ownership.

The history of these projects dates to the early 1900's with the original Lower Yellowstone project being built by the Bureau of Reclamation between 1906 and 1910. Later, the Savage Unit was added in 1947-48. The end result was the creation of fertile, irrigated land to help spur economic development in the area. To this day, agriculture is the number one industry in the area.

The local impact of the projects is measurable in numbers, but the greatest impacts can only be seen by visiting the area. About 500 family farms rely on these projects for economic substance, and the entire area relies on them to create stability in the local economy. In an area that has seen booms and busts in oil, gas, and other commodities, these irrigated lands continued producing and offering a foundation for the businesses in the area.

As we all know, agriculture prices are extremely low right now, but these irrigated lands offer a reasonable return over time and are the foundation for strong communities based upon the ideals that have made this country successful. The 500 families impacted are hard working, honest producers, and I can think of no better people to manage their own irrigation projects.

Everyday, we see an example of where the federal government is taking on a new task. We can debate the merits of those efforts on an individual

basis, but I think we can all agree that while the government gets involved in new projects there are many that we can safely pass on to state or local control. The Lower Yellowstone Projects are a prime example of such an opportunity, and I ask my colleagues to join me in seeing this legislation passed as quickly as possible.●

By Mrs. HUTCHISON (for herself and Mr. LOTT):

S. 1661. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

THE ENVIRONMENTAL PROTECTION PARTNERSHIP ACT OF 1999

● Mrs. HUTCHISON. Mr. President, today, along with Senator LOTT, I am introducing the Environmental Protection Partnership Act of 1999. By introducing this bill, I am suggesting that the Federal Government take a cue from the States regarding environmental protection. Many State governments have passed laws that allow for voluntary audits of environmental compliance. These laws encourage a company to conduct an audit of its compliance with environmental laws. By conducting the audit, the company determines whether it is in compliance with all environmental laws. If it is not, these state laws allow the company, without penalty, to correct any violations it finds so it will come into compliance.

What the bill does is let the Federal Government do the same thing. It lets the Federal Government say to companies all over America, if you want to do a voluntary audit for environmental compliance, we are going to let you do that. We will encourage you but not force you to do it. And we are not going to come in and threaten you with the hammer of the EPA if you, in fact, move swiftly to come into compliance when you find that you are not in compliance.

I believe this is the most effective way to clean up the air and water. Our air and water are invaluable natural resources. They are cleaner than they have been in 25 years, and we want to keep improving our efforts to guarantee their protection. This bill will ensure this protection, in the same fashion as many States have done. It does not preempt State law. If State laws are on the books, then the State laws prevail. But this offers companies all over our country the ability to comply with Federal standards in a voluntary way, to critically assess their compliance and not be penalized if they then take action to immediately come into compliance.

My bill will ensure that we continue to increase the protection of our environment in the United States through

providing incentives for companies to assess their own environmental compliance. Rather than playing a waiting game for EPA to find environmental violations, companies will find—and stop—violations. Many more violations will be corrected, and many others will be prevented.

Under the bill, if a company voluntarily completes an environmental audit—a thorough review of its compliance with environmental laws—the audit report may not be used against the company in court. The report can be used in court, however, if the company found violations and did not promptly make efforts to comply. By extending this privilege, a company that looks for, finds, and remedies problems will continue this good conduct, and protect the environment.

In addition, if a company does an audit, and promptly corrects any violations, the company may choose to disclose the violation to EPA. If the company does disclose the violation, the company will not be penalized for the violations. By ensuring companies that they will not be dragged into court for being honest, the bill encourages companies to find and fix violations and report them to EPA.

This does not mean that companies that pollute go scot-free. Under this bill, there is no protection for: willful and intentional violators; companies that do not promptly cure violations; companies asserting the law fraudulently; or companies trying to evade an imminent or ongoing investigation. Further, the bill does not protect companies that have policies that permit ongoing patterns of violations of environmental laws. And where a violation results in a continuing adverse public health or environmental effect, a company may not use the protections of this law.

Nor does this bill mean that EPA loses any authority to find violations and punish companies for polluting. EPA retains all its present authority.

At the same time that EPA retains full authority to enforce environmental laws, I propose to engage every company voluntarily in environmental protection by creating the incentive for those companies to find and cure their own violations. This frees EPA to target its enforcement dollars on the bad actors—the companies that intentionally pollute our water and air.

Mr. President, I look forward to working with Senator LOTT, Senator HATCH, chairman of the Judiciary Committee, as well as the rest of my colleagues in the Senate on this bill, which will pave the way to increased environmental compliance.●

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

S. 1662. A bill to grant the President authority to proclaim the elimination or staged rate reduction of duties on certain environmental goods; to the Committee on Finance.

TARIFFS ON ENVIRONMENTAL GOODS

● Mr. BAUCUS. Mr. President, since the end of the Second World War, the United States has led the world in establishing an open, rule-based trade system. I believe it is very important that we continue to provide this leadership. We can only do this if we maintain a domestic consensus on trade policy.

The United States has also provided strong international leadership on environmental protection. I have long been a strong proponent of both open trade and environmental protection. I have a foot in both camps. So today I am proud to introduce a bill which addresses both trade and the environment. I am joined in this effort by Senators GRAMS, MURRAY, and WYDEN.

I know people in the trade community who assume that anything good for the environment must be bad for business. They believe that protecting the environment means more government restrictions, higher costs, and lower profits. This logic is flawed.

I also know people in the environmental community who assume that anything good for trade must be bad for the environment. They believe that more trade means more growth, and that more growth means more damage to the environment. This logic is flawed, too.

We can take measures which benefit both trade and the environment. I am proposing one such measure today: eliminating import duties on environmental products as part of a multilateral agreement. This enjoys wide support from American environmental technology companies, as well as from members of the environmental community.

Mr. President, let me recall a bit of recent trade history. During the Uruguay Round of trade negotiations, the United States participated in a number of sectoral tariff initiatives. They were known as “zero-for-zero.” Countries agreed to reciprocal tariff elimination, saying “I’ll put my tariff at zero, if you’ll do the same.”

The Uruguay Round Act gave the President the authority to eliminate U.S. tariffs in these “zero-for-zero” sectors. But in several sectors, the negotiators did not reach agreement. The President retains tariff authority in these sectors. Examples are products like furniture and paper. Some of these sectors are once again under discussion in the WTO.

In addition to these unfinished Uruguay Round sectors, the United States launched other zero-for-zero initiatives. This work began in the Asia Pacific Economic Cooperation (APEC) forum, and then moved to the WTO. One of the sectors under discussion is environmental goods.

Environmental goods cover a wide range of products made in America to control air, water and noise pollution, as well as solid and hazardous waste. These products include equipment for recycling and for renewable energy.

They include technology for remediation and cleanup. Environmental goods also include scientific equipment for monitoring and analysis. All told, U.S. firms sell somewhere between \$20 and \$40 billion abroad annually. They could sell more if other countries would eliminate trade barriers, including tariffs.

In my home state of Montana, businesses which export environmental equipment could expand their operations if they faced fewer foreign barriers. I have heard from one company, SRS Crisafulli, which is working in Latin America markets. Tariffs on their dredging equipment raise their sales price substantially. The inexorable law of the market is that higher sales prices mean lower sales.

As my colleagues know, the United States maintains the world's most open market. Our tariffs are generally low. They are especially low on environmental goods, where U.S. import duties average less than 2%. This bill I am introducing today would eliminate these small tariffs—nuisance tariffs, really. In return, other countries would abolish their import duties on American-made products. Their tariffs can be three or four times higher than ours. That's a good deal for us, and a good deal for world trade.

It's also a good deal for the environment. The biggest importers of these products are the emerging markets of Asia, Africa and Latin America. Expanding the use of environmental technology will help limit or remedy environmental damage. It will have a positive impact on public health and the quality of life.

Mr. President, the bill I am introducing preserves Congress' constitutional role in foreign trade. It requires the President to consult with us before implementing any environmental tariff cuts. And I would like to put our trade negotiators on notice that we expect them to bring to us a proposal with broad coverage, rapid staging and limited exceptions.

I am particularly concerned about the scope of the agreement now being negotiated. I understand that some of our trading partners in APEC were unwilling to classify certain products as "environmental goods" because they are "dual use." A hydraulic pump, for instance, can be used for either a sewage treatment plant or a microchip plant. We should press other countries to adopt a broad definition of "environmental goods" to encourage dissemination of technology.

Mr. President, ever since environmental tariff elimination surfaced, the U.S. told our trading partners not to worry that the President lacks tariff-cutting authority in the sector. When the time comes, we said, Congress will grant the necessary authority. I believe this effort merits the same kind of support from the Senate that it has gained support among the trade and environmental communities. It is particularly important that we show this

support now, as the United States prepares to host the WTO Trade Ministers Meeting in Seattle. I encourage all of my colleagues to provide this support.●

By Mr. BENNETT:

S. 1664. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

RED CLIFFS DESERT RESERVE LAND ACQUISITION LEGISLATION

S. 1665. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

LAND EXCHANGE FACILITATION LEGISLATION

● Mr. BENNETT. Mr. President, I am introducing two bills which address minor technical issues in Washington County, Utah. Given the non-controversial nature of these bills, I am hopeful they will be given quick consideration.

The first bill deals with a land exchange between the city of St. George and the BLM to facilitate a Washington County, Utah habitat conservation plan for the desert tortoise. The parcel of land at issue was once used as a landfill. The BLM is interested in acquiring the land in an exchange, but it is reluctant to accept liability for any unknown toxic materials that may be in the landfill. The bill would leave liability for the landfill in the hands of the city. Both the BLM and the city of St. George are in favor of this legislation.

The next bill deals with an exchange between the State of Utah and a private party. This exchange would facilitate additional protection for the endangered desert tortoise. The parcels of land that the State wants to trade were given to them pursuant to the Recreation and Public Purposes Act and consequently have a BLM reversionary clause clouding title to the property. This bill would remove those reversionary clauses so that the State could pass clear title in the land exchange.

I appreciate once again the leadership of Chairman HANSEN on the House Committee on Resources in taking the lead on these bills in the other body and I look forward to working with my colleagues on the Senate Energy Committee to move these bills quickly.●

By Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. FITZGERALD, and Mr. HELMS):

S. 1666. A bill to provide risk education assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS' RISK MANAGEMENT ACT

Mr. LUGAR. Mr. President, I rise today to introduce legislation to help our nation's farmers cope with the

risks inherent in production agriculture.

My colleagues are familiar with the challenges facing American farmers. Prices are down world-wide. Exports are lower than expected, in large part due to the economic problems in Asia. Weather problems, from droughts to floods, have plagued large portions of our country.

The Senate has passed, and a conference committee is considering, an agricultural appropriations bill that contains emergency provisions to deal with these immediate needs. For the intermediate and long term, the Congressional budget resolution contains \$6 billion for use in fiscal years 2001–2004 that can be used as direct payments or to help farmers manage risk. Given these available funds, the question for policymakers is how best to help farmers manage the risks that they face.

Some suggest that the entire \$6 billion should be used to alter the subsidy structure of the federal crop insurance program. I believe that risk management is broader than crop insurance alone. To keep U.S. agriculture competitive, farmers will have to consider a variety of practices including: engaging in sophisticated marketing practices; reducing debt; considering alternative crops; and purchasing crop insurance. An approach to risk management that focuses on the crop insurance program's subsidy structure is too narrow to address the many risks faced by farmers.

In crafting my own risk management bill, I was guided by four principles. First, the greatest possible amount of the \$6 billion should go directly to farmers. In the crop insurance program, private insurers receive substantial compensation for selling and servicing multi-peril policies on the government's behalf. Overall, the insurance companies receive about one-third of the federal financial support of the program. Farmers get the remaining two-thirds. In my view, farmers should receive more of the new federal spending.

Second, the \$6 billion should be provided in such a manner so that it does not distort planting decisions. Leading economists believe that crop insurance encourages the planting of crops on marginal and environmentally challenged acreage. Federal risk management spending should not inadvertently subsidize overproduction when world-wide agricultural stocks are already large. Subsidizing overproduction postpones the day when agricultural prices will rebound.

Third, the \$6 billion should be distributed equitably among farmers and among regions. In terms of eligible 1998 acres insured, farmers' participation by state ranges from a low of 4 percent to a high of 93 percent. Clearly, farmers in some parts of the country do not view crop insurance as a useful risk management tool. By spending the bulk of the increased federal assistance on crop insurance, we are denying farmers in

some parts of the country risk management help.

Fourth, farmers should be encouraged to pursue a variety of risk management strategies, including, but not limited to, crop insurance. Within broad parameters, farmers should be able to choose the risk management strategy that best meets their needs.

Mr. President, the bill I am introducing today complies with my four principles. First, of the \$6 billion in available new spending, over \$5 billion is sent directly to farmers. Second, because the money is sent directly to farmers and is based on historical production, it is far less likely to distort planting decisions. Third, because it is not limited only to one form of risk management—crop insurance, it is more equitable among regions. Fourth, in order to better meet farmers' individual needs, it lets farmers choose risk management strategies from a menu of options.

The bill directs the Secretary of Agriculture, for the 2001–2004 crops, to offer to enter into a contract with a producer in which the producer receives a risk management payment if the producer performs at least 2 of the following risk management practices each applicable year:

1. Purchase Federal or private crop insurance (e.g., private crop hail) that is equivalent to at least catastrophic risk protection, for at least one principal agricultural commodity produced on the farm for which federal crop insurance is available.

2. Hedge price, revenue, or production risk by entering into at least one standard exchange-traded contract for a future or option on a principal agricultural commodity (crops or livestock) produced on the farm.

3. Hedge price, revenue, or production risk on at least 10% of the value of a principal agricultural commodity produced on the farm by purchasing an agricultural trade option.

4. Cover at least 20% of the value of a principal agricultural commodity (crops or livestock) produced on the farm with a cash forward or other type of marketing contract.

5. Attend an agricultural marketing or risk management class. This includes, but is not limited to, a seminar or class conducted by a broker licensed by a futures exchange.

6. Deposit at least 25% of the risk management payment into a FARRM account, or a similar tax deductible account.

7. Reduce farm financial risk by reducing debt in an amount that reduces leverage, or by increasing liquidity.

8. Reduce farm business risk by diversifying the farm's production by producing at least one new commodity on the farm, or by significantly increasing the diversity of enterprises on the farm.

A producer's annual risk management payment will be based on his or her Federal Crop Insurance Corporation (FCIC) average actual production

history (APH) established for the 2000 crop for each Federally insurable agricultural commodity grown by the producer. Under existing FCIC procedures, the average APH for a commodity for crop year 2000 is based on a producer's documented production and acreage history from at least 4 of the 10 immediately preceding crop years.

Let me give a hypothetical example of how this would work at the farm level. Suppose a farmer produces corn, soybeans, and apples for the fresh apple market on a total of 525 acres somewhere, let's say, in the eastern half of the country. Corn and soybeans are federally insurable throughout the country and apples are federally insurable in most areas that have significant apple production. Let's further suppose that this hypothetical producer has never purchased federal crop insurance before.

Under my bill, this grain and apple farmer would be eligible for risk management payments for each of the 2001 through 2004 crops based on his average actual production history for corn, soybeans, and apples for the four crop years covering 1996, 1997, 1998, and 1999. He could document more than four years of production history, but FCIC procedures require a minimum of four consecutive years. Let's suppose the producer's average production is 30,000 bushels of corn based on 250 acres; 10,000 bushels of soybeans based on 250 acres; and 11,548 bushels of apples based on 25 acres. The producer's average APH would be valued at the 1997–1999 average FCIC established price level for each crop. This price is \$2.38 per bushel for corn and \$5.80 per bushel for soybeans. The apple price varies by region. For this example, I will use a fresh apple price of \$4.17 per bushel (42 pounds/bushel) which would be the applicable price for fresh apples in one of the eastern region's major apple-producing states. At these prices, the value of the producer's average APH across all crops (rounded to the nearest dollar) would be \$177,554.

The amount of the producer's annual risk management payment would be based on a percentage payment rate determined by the Secretary of Agriculture based on \$1.275 billion for each of the 2001 through 2004 crops for a cumulative total of \$5.1 billion. Preliminary estimates suggest that the payment rate will be somewhere between 1 percent and 2 percent of production value if 100 percent of the eligible farmers sign up for risk management payments. Thus, a reasonable estimate is that the percentage payment rate will come out at 1.5 percent of production value. If this estimate turns out to be correct, our hypothetical grain and apple farmer's annual risk management payment (rounded to the nearest dollar) would be \$2,663. The 2001 payment would be available to the farmer on or after October 1, 2000, approximately one year from today.

In order to qualify for his risk management payment each year, the farm-

er would have to certify with the Agriculture Department that he had obtained or used 2 of the 8 risk management practices each year. He could do this in a large number of ways. For example, he could qualify by purchasing crop multi-peril crop insurance on his 2001 corn or soybean production and cash forward contract at least 20 percent of the 2001 corn or soybean crop. Alternatively, he could qualify by entering into a marketing contract with a buyer for at least 20 percent of his 2001 apple production and purchase exchange-traded options to hedge price risk on his 2001 corn or soybean crop.

Mr. President, I ask unanimous consent that a section-by-section summary of my bill be printed in the RECORD. I encourage my colleagues to study my bill and to talk it over with farmers in their own states.

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

FARMERS' RISK MANAGEMENT ACT OF 1999—
SECTION BY SECTION SUMMARY

TITLE I—RISK MANAGEMENT PAYMENTS

Section 101. *Definitions*

Defines terms used in this title.

Section 102. *Risk management contract*

Subsection (a) Offer and Consideration. Directs the Secretary of Agriculture, for the 2001–2004 crops, to offer to enter into a contract with a producer in which the producer receives a risk management payment if the producer performs at least 2 qualifying risk management practices in an applicable year. A producer's annual risk management payment will be based on his or her FCIC average actual production history (APH) established for the 2000 crop for each Federally insurable agricultural commodity grown by the producer. Under existing FCIC procedures, the APH for a commodity for crop year 2000 is based on a producer's documented production and acreage history from at least 4 of the 10 immediately preceding years (1990–1999). A producer may elect to receive a risk management payment directly or have an equivalent amount credited to the premium owed by the producer for Federal crop insurance coverage.

Subsection (b) Qualifying Risk Management Practices. Describes the 8 qualifying risk management practices:

1. Purchase Federal or private crop insurance (e.g. private crop hail) that is equivalent to at least catastrophic risk protection, for at least one principal agricultural commodity produced on the farm for which federal crop insurance is available.

2. Hedge price, revenue, or production risk by entering into at least one standard exchange-traded contract for a future or option on a principal agricultural commodity (crops or livestock) produced on the farm.

3. Hedge price, revenue, or production risk on at least 10% of the value of a principal agricultural commodity produced on the farm by purchasing an agricultural trade option.

4. Cover at least 20% of the value of a principal agricultural commodity (crops or livestock) produced on the farm with a cash forward or other type of marketing contract.

5. Attend an agricultural marketing or risk management class. This includes, but is not limited to, a seminar or class conducted by a broker licensed by a futures exchange.

6. Deposit at least 25% of the risk management payment into a FARRM account, or a similar tax deductible account.

7. Reduce farm financial risk by reducing debt in an amount that reduces leverage, or by increasing liquidity.

8. Reduce farm business risk by diversifying the farm's production by producing at least one new commodity on the farm, or by significantly increasing the diversity of enterprises on the farm.

Subsection (c) Determination of Risk Management Payment. The amount that is available for risk management payments for each of the 2001 through 2004 crops is \$1.275 billion (a total of \$5.1 billion). A producer's risk management payment is calculated (for each Federally insurable commodity of a producer) by multiplying:

(1) the average APH established for the 2000 crop (meaning documented production and acreage history from at least 4 of the 10 immediately preceding years covering 1990–1999) for each Federally insurable commodity of a producer;

(2) the 1997–1999 average of the FCIC price level established for each commodity (i.e., \$2.38/bu. for corn, \$5.80/bu. for soybeans, \$3.60/bu. for wheat, 68 cents/lb. for upland cotton and \$9.50/cwt. for rice); and

(3) a payment rate determined by the Secretary in accordance with the total amount available for the year.

Section 103. Administrative provisions

Risk management payments for each of the 2001 through 2004 crops will be paid in one or more amounts as of October 1 of the crop year. A payment for the 2001 crop could be paid as early as October 1, 2000. A producer must certify with the Secretary which qualifying risk management practices were used on the farm by filing a form with the local FSA office. Qualifying risk management practices used for the 2001 crop would have to be reported by April 15, 2002. A producer choosing to receive a credit for a crop insurance premium will receive the benefit at the time payment of the premium is due (after harvest). Should a producer accept a risk management payment but not perform at least 2 qualifying risk management practices in the applicable year, the producer will be required to repay the full amount of the risk management payment with interest.

Section 104. Termination of authority; funding

Terminates the authority and funding for risk management payments and qualifying risk management practices as of September 30, 2004.

TITLE II—CROP INSURANCE

Section 201. Sanctions for program compliance and fraud

A producer who provides false or misleading information about a crop insurance policy may be assessed a \$10,000 civil penalty for each violation, or debarred from all USDA financial assistance programs for up to 5 years, depending on the severity of the violation. Agents, loss adjusters, and approved insurance providers who provide false or misleading information about a policy or the administration of a policy or claim under this Act may be subject to civil fines up to \$10,000 per violation, or debarred from participating in insurance programs under this Act for up to 5 years, depending on the severity of the violation. The same penalties may apply to agents, loss adjusters, and approved insurance providers who have recurrent compliance problems.

Section 202. Oversight of loss adjustment

Requires the Corporation to develop procedures for annual reviews of loss adjusters by the approved insurance provider, and to consult with the approved insurance provider about each annual evaluation.

Section 203. Revenue insurance pilot program

Extends the authority for certain revenue insurance pilot programs through the 2004 crop.

Section 204. Reduction in CAT underwriting gains and losses

Reduces the potential for underwriting gains or losses associated with catastrophic crop insurance (CAT) policies for the 2001 through 2004 reinsurance years.

Section 205. Whole farm revenue insurance pilot program

Establishes a pilot program for the 2001 through the 2004 reinsurance years that guarantees farm revenue based on the average adjusted gross income of the producer for the previous 5 years. Covers crops and livestock.

Section 206. Product innovation and rate competition pilot program

Establishes a pilot program for the 2001 through 2004 reinsurance years that allows private insurance companies to develop and market innovative insurance products, to compete with other companies regarding rates of premium, and to allow a company that has developed a new insurance product to charge a fee to other companies that want to market the product.

Section 207. Limitation on double insurance

Prohibits purchasing insurance for more than 1 crop for the same acreage in a year, except where there is an established history of double-cropping on the acreage.

TITLE III—REGULATIONS

Section 301. Regulations

Requires the Secretary to promulgate regulations within 180 days of enactment.

By Mr. KERRY (for himself, Mr. BROWNBAC, Mr. LIEBERMAN, Mr. HUTCHINSON, and Ms. MIKULSKI):

S. 1668. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

WORKPLACE RELIGIOUS FREEDOM ACT

• Mr. KERRY. Mr. President, I am introducing today a bipartisan bill, together with Senator BROWNBAC of Kansas. This is the Workplace Religious Freedom Act of 1999.

This bill would protect workers from on-the-job discrimination related to religious beliefs and practices. It represents a milestone in the protection of the religious liberties of all workers.

In 1972, Congress amended the Civil Rights Act of 1964 to require employers to reasonably accommodate an employee's religious practice or observance unless doing so would impose an undue hardship on the employer. This 1972 amendment, although completely appropriate, has been interpreted by the courts so narrowly as to place little restraint on an employer's refusal to provide religious accommodation. The Workplace Religious Freedom Act will restore to the religious accommodation provision the weight that Congress originally intended and help assure that employers have a meaningful obligation to reasonably accommodate their employees' religious practices.

The restoration of this protection is no small matter. For many religiously observant Americans the greatest peril to their ability to carry out their religious faiths on a day-to-day basis may

come from employers. I have heard accounts from around the country about a small minority of employers who will not make reasonable accommodation for employees to observe the Sabbath and other holy days or for employees who must wear religiously-required garb, such as a yarmulke, or for employees to wear clothing that meets religion-based modesty requirements.

The refusal of an employer, absent undue hardship, to provide reasonable accommodation of a religious practice should be seen as a form of religious discrimination, as originally intended by Congress in 1972. And religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment opportunities. Enactment of the Workplace Religious Freedom Act will constitute an important step toward ensuring that all members of society, whatever their religious beliefs and practices, will be protected from an invidious form of discrimination.

It is important to recognize that, in addition to protecting the religious freedom of employees, this legislation protects employers from an undue burden. Employees would be allowed to take time off only if their doing so does not pose a significant difficulty or expense for the employer. This common sense definition of undue hardship is used in the "Americans with Disabilities Act" and has worked well in that context.

We have little doubt that this bill is constitutional because it simply clarifies existing law on discrimination by private employers, strengthening the required standard for employers. This bill does not deal with behavior by State or Federal Governments or substantively expand 14th amendment rights.

I believe this bill should receive bipartisan support. This bill is endorsed by wide range of organizations including the American Jewish Committee, Christian Legal Society, Family Research Council, General Conference of Seventh-day Adventists, National Council of the Churches of Christ in the U.S.A., and the Southern Baptist Convention.

I want to thank Senator BROWNBAC for joining me in this effort. I look forward working with him to pass this legislation so that all American workers can be assured of both equal employment opportunities and the ability to practice their religion.●

• Mr. BROWNBAC. Mr. President, today I am pleased to stand with concerned colleagues, both Republicans and Democrats, as well as concerned citizens, including Christians, Jews, Muslims, and Sikhs among many other faiths. We come together in support of a simple proposition. America is distinguished internationally as a land of religious freedom. It should be a place where no person is forced to choose between keeping their faith and keeping their job. That is why I am joining

with Senators KERRY, HUTCHINSON, LIEBERMAN and MIKULSKI in introducing the Workplace Religious Freedom Act.

This legislation provides a skilled reconciling of religion in the workplace. It recognizes that work and religion can be reconciled without undue hardship. Americans continue to be a religious people, with a deep personal faith commitment. With this commitment comes personal religious standards which govern personal activity. For example, some Americans don't work on Saturdays, while others don't work on Sundays. Not because they're lazy or frivolous, but because their faith convictions call for a Sabbath day, requiring a day to be set aside as holy.

Similarly, some Americans need to wear a skullcap to work, or a head covering, or a turban. As a nation whose great strength rests in diversity, surely we can protect such diverse yet simple and unobtrusive expressions of personal faith. Surely we're still generous enough, and God-respecting enough as a nation, to support others in the genuine expressions of their faith. I am particularly anxious for the religious minorities, for the Muslims and the Jews and the others who are very small in number but great in conviction. In our increasingly secular society, many remain among us who still hold by ancient, heart-felt principles governed by a deep personal belief. I submit to you they deserve the decency of respect which includes our protection in preserving their peaceful religious expressions. This is a core principle which cannot be compromised, because it speaks to the essence of who we are as a people committed to preserving freedom.

In this land of religious freedom, one would hope that employers would spontaneously accommodate the religious needs of their employees whenever reasonable. That is, after all, what we do here in Congress. For example, we don't conduct votes or hearings on certain holidays so that Members and staff can observe their religious holy days. While most private employers also extend this simple but important decency to their workers, others unfortunately do not.

Historically, title VII of the Civil Rights Act was meant to address conflicts between religion and work. On its face it requires employers to "reasonably accommodate" the religious needs of their employees as long as this does not impose an "undue hardship" on the employer. The problem is that our federal courts have essentially read these lines out of the law by ruling that any hardship is an undue hardship. This is not right, nor does it hold with the spirit of this great nation which was founded as a refuge for religious freedom.

Thus, a Maryland trucking company can try to force a devout Christian truck driver to take a Sunday shift. A local sheriff's department in Nevada can tell a Seventh Day Adventist that

she must work a Saturday shift if she wants to continue with them.

The Workplace Religious Freedom Act will re-establish the principle that employers must reasonably accommodate the religious needs of employees such as these. This legislation is carefully crafted and strikes an appropriate balance between religious accommodation, while ensuring that an undue burden is not forced upon American businesses. It is flexible and case-oriented on an individual basis. Thus, a smaller business with less resources and personnel would not be asked to accommodate religious employees in exactly the same fashion as would a large manufacturing concern.

I am proud of the fact that this is a bi-partisan effort, I am proud that this legislation is supported by such a broad spectrum of groups ranging from the Christian Legal Society and the Union of Orthodox Jewish Congregations, to the Family Research Council, the National Council of Churches, the North American Council for Muslim Women, and the American Jewish Committee.

America is a great nation because we honor the free exercise of belief, which includes the very precious, fundamental freedom of religion. This liberty, known as the "first freedom," is worthy of our continued vigilance. It properly demands support from all quarters, both the public and private sectors. It properly finds it here in this legislation which re-establishes the right balance between the competing concerns of business and faith.●

● Mr. LIEBERMAN. Mr. President, I am proud to join Senators BROWBACK, KERRY, and others in introducing this important legislation today. America is a deeply religious nation, and fostering a society in which all Americans can worship according to the dictates of their conscience has been of prominent importance to this country since its beginning. Indeed, the Founders of this great Nation saw preserving Americans' ability to worship freely as so important that they enshrined it in the Bill of Rights' very first amendment.

Unfortunately, a number of Americans today are not able to take full advantage of America's promise of religious freedom. They are instead being forced to make a choice no American should face: one between the dictates of their faith and the demands of their job. Whether by being forced to work on days their religion requires them to refrain from work or by being denied the right to wear clothing their faith mandates they wear, too many Americans of faith are facing an unfair choice between their job and their religion.

This legislation would provide much needed help for those confronted with that choice. It would require employers to provide reasonable accommodations to an employee's religious observance or practice, unless doing so would impose an undue hardship on the employer. The bill would not, it is worth emphasizing, give employees a right to

dictate the conditions of their job, because it does not demand that employers accede to unreasonable requests. Instead, it requires only that an employer grant a religiously based request for an accommodation to an employee's religious belief or practice if the accommodation would not impose significant difficulty or expense on the employer.

Mr. President, this legislation is long overdue. I hope that we can see it enacted into law soon.●

ADDITIONAL COSPONSORS

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 486

At the request of Mr. HATCH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 709

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 709, a bill to amend the Housing and Community Development Act of 1974 to establish and sustain viable rural and remote communities, and to provide affordable housing and community development assistance to rural areas with excessively high rates of outmigration and low per capita income levels.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of 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.

S. 791

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 909

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 909, a bill to provide for the review and