

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. Res. 226. A resolution expressing the sense of the Senate regarding Japanese participation in the World Trade Organization; to the Committee on Finance.

By Mr. BOND (for himself, Mr. BRYAN, Mr. DEWINE, Mr. BINGAMAN, Mr. JOHNSON, Mr. KENNEDY, and Mr. ROCKEFELLER):

S. Res. 227. A resolution expressing the sense of the Senate in appreciation of the National Committee for Employer Support of the Guard and Reserve; to the Committee on Armed Services.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 228. A resolution making changes to Senate committees for the 106th Congress; considered and agreed to.

By Mr. LOTT:

S. Res. 229. A resolution making certain majority appointments to certain Senate committees for the 106th Congress; considered and agreed to.

By Mr. ENZI (for himself and Ms. LANDRIEU):

S. Res. 230. A resolution expressing the sense of the Senate with respect to government discrimination in Germany based on religion or belief; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBB (for himself, Mr. SARBANES, and Ms. MIKULSKI):

S. 1885. A bill to amend title 5, United States Code, to provide for more equitable policies relating to overtime pay for Federal employees, limitations on premium pay, and the accumulation and use of credit hours; to the Committee on Governmental Affairs.

EQUITABLE OVERTIME PAY FOR FEDERAL SUPERVISORS AND MANAGERS

Mr. ROBB. Mr. President, I am very pleased to be joined by my colleagues, Senators SARBANES and MIKULSKI, to introduce legislation to pay overtime to federal managers and supervisors more equitably.

I'm proud of our federal workers. Despite seemingly constant assaults, our nation's civil servants have persevered to provide government that is working better and more efficiently than ever. We've seen a streamlined federal government that's continually asked to improve services to its customers—the American people. But with smaller staffs and the push to increase the federal government's productivity, workloads continue to grow. As federal employees' duties grow, the need to work more overtime hours increases as well. Managers, supervisors and other FLSA-exempt employees within the federal government can receive overtime, but the current overtime cap presents two problems to these employees: they earn less working on overtime than they do for the work they perform during the week and they earn less while working

overtime than the employees they supervise. Who then, can blame prospective candidates for supervisory or management positions for declining promotions when remaining in their current, non-supervisory position can mean more money for their families? If the federal government is to continue to recruit and retain a top-notch workforce, then the present overtime cap is one issue that we need to address.

Our legislation will ensure that supervisors and managers neither make less working overtime than they would during regular work hours nor make less working overtime than those they supervise. This bill increases the overtime cap from GS-10 step 1 to GS-12 step 1, the first adjustment in the overtime cap since 1966. Our bill doesn't mandate that overtime be paid; overtime pay will be implemented as it is currently, based on personnel decisions made by individual agencies.

We should encourage incentives to attract bright and capable workers to join the management ranks of the federal government, and this bill is one such incentive. I look forward to working with my colleagues to ensure its consideration and favorable recommendation as quickly as possible.

By Mr. INHOFE (for himself, Mrs. FEINSTEIN, and Mr. SMITH of New Hampshire):

S. 1886. A bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control release of methyl tertiary butyl ether from underground storage tanks, and for other purposes; to the Committee on Environment and Public Works.

OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE

• Mrs. FEINSTEIN. Mr. President, I am pleased to join with Senator JAMES INHOFE of Oklahoma, the chairman of the Clean Air Subcommittee, in introducing a bill, S. 1886, to allow the governor of a state to waive the oxygenate content requirement for reformulated or clean-burning gasoline. The bill also requires U.S. EPA to conduct a study on whether voluntary standards to prevent releases of MTBE from underground tanks are necessary.

This is the fifth bill I have introduced in this Congress to address the widespread contamination of drinking water by MTBE in my state. I do this in hopes that this bill will be a straightforward solution to a very serious problem—MTBE detections in ground and surface water in my state and at least 41 other states.

The Clean Air Act requires that cleaner-burning reformulated gasoline (RFG) be sold in areas with the worst violations of ozone standards: Los Angeles, San Diego, Hartford, New York, Philadelphia, Chicago, Baltimore, Houston, Milwaukee, Sacramento. (In addition, some states and areas have opted to use reformulated gasoline as

way to achieve clean air.) Second, the Act prescribes a formula for reformulated gasoline, including the requirement that reformulated gasoline contain 2.0 percent oxygen, by weight.

In response to this requirement, refiners have put the oxygenate MTBE in over 85 percent of reformulated gasoline now in use. MTBE stands for methyl tertiary butyl ether. The problem is that increasingly, MTBE is being detected in drinking water. MTBE is a known animal carcinogen and a possible human carcinogen, according to U.S. EPA. It has a very unpleasant odor and taste, as well.

The Inhofe-Feinstein bill, S. 1886, would allow governors, upon notification to U.S. EPA, to waive the 2.0% oxygenate requirement, as long as the gasoline meets the other requirements in the law for reformulated gasoline.

On July 27, the U.S. EPA Blue Ribbon Panel on Oxygenates in Gasoline recommended that the 2 percent oxygenate requirement be "removed in order to provide flexibility to blend adequate fuel supplies in a cost-effective manner while quickly reducing usage of MTBE and maintaining air quality benefits." In addition, the panel agreed that "the use of MTBE should be reduced substantially." Importantly, the panel recommended that "Congress act quickly to clarify federal and state authority to regulate and/or eliminate the use of gasoline additives that pose a threat to drinking water supplies."

This bill, while not totally repealing the 2 percent oxygenate requirement, moves us in that direction. It gives states that choose to meet clean air requirements without oxygenates to do so. It allows states that choose an oxygenate, such as ethanol, to do so. Areas required to use reformulated gasoline for cleaner air will still be required to use it. The gasoline will have a different but clean formulation. Areas will continue to have to meet clean air standards.

MTBE has contaminated groundwater at over 10,000 sites in California, according to the Lawrence Livermore Laboratory. Of 10,972 groundwater sites sampled, 39 percent had MTBE, says the state Department of Health Services. Of 765 surface water sources sampled, 287 or 38% had MTBE.

Nationally, one EPA-funded study found, of 34 states, MTBE was present more than 20 percent of the time in 27 states. A U.S. Geological Survey report had similar findings. An October 1999 Congressional Research Service analysis concluded that 41 states have had MTBE detections in water.

In California, Governor Davis concluded that MTBE "poses a significant risk to California's environment" and directed that MTBE be phased out in California by December 31, 2002. There is not a sufficient supply of ethanol or other oxygenates to fully replace MTBE in California, without huge gas price spikes and gasoline supply disruptions. In addition, California can make clean-burning gas without oxygenates.

Therefore, California is in the impossible position of having to meet a federal requirement that is (1) contaminating the water and (2) is not necessary to achieve clean air.

On April 12, 1999, Governor Davis asked U.S. EPA for a waiver of the 2% oxygenate requirement. I too wrote U.S. EPA—on May 18, 1999; December 3, 1998; September 29, 1998; September 28, 1998; September 14, 1998; November 3, 1997; September 24, 1997; April 22, 1997; and April 11, 1997. I have met with EPA officials several times and have talked directly to Administrator Carol Browner. To date, EPA has not granted California a waiver of the two percent. Again, today I call on EPA to act. In the meantime, I will continue to urge Congress to act.

Time is of the essence. California Governor Davis is phasing out MTBE in our state, but the federal law requiring 2 percent oxygenates remains, putting our state in an untenable position. Refiners need a long lead time to retool their facilities and time is growing short.

A major University of California study released last year concluded that MTBE provides “no significant air quality benefit” but that its use poses “the potential for regional degradation of water resources, especially ground water. . . .” Oxygenates, say the experts, are not necessary for reformulated gasoline.

California has developed a gasoline formula that provides flexibility and provides clean air. Called the “predictive model,” it guarantees clean-burning RFG gas with oxygenates, with less than 2 percent oxygenates and with no oxygenates. Several refiners, including Chevron and Tosco, are selling MTBE-free gas in California, for example, in the Lake Tahoe area.

Under S. 1886, air standards would still have to be met and gasoline would have to meet all other requirements of the federal reformulated gasoline program, for example, the limits on benzene, heavy metals, emission of oxides of nitrogen.

This is a minimal bill that will give California and other states the relief they need from an unwarranted, unnecessary requirement. It will allow states that want oxygenates in their gasoline to use them and those that do not to not use them.

The bill does not undo the Clean Air Act. The bill does not degrade air quality.

Importantly, it can stop the contamination of drinking water in many states by MTBE. •

By Mr. ENZI:

S. 1887. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the minimum wage and protect the rights of States that have adopted State minimum wage laws; to the Committee on Health, Education, Labor, and Pensions.

MINIMUM WAGE STATE FLEXIBILITY ACT OF 1999

Mr. ENZI. Mr. President, as I have listened to those Senators who support

an increase in the minimum wage speak today—and I’ve listened closely—what I’ve heard them repeatedly say is that the minimum wage is not high enough for workers to afford to put food on the table, pay rent or take care of their families. This is a vital point for any American family, so I’ve listened carefully to see if anyone who supports an increase could explain why folks in rural states and counties have identical living standards of people residing in New York City or Boston or Los Angeles. Interestingly enough, this question has been essentially left unanswered. No one who supports an increase has been able to explain how wages affect workers differently in different states, and why that matters so much when we are talking about increasing the minimum wage. In an effort to ensure that no worker gets left behind and that we are considering all economic scenarios, I feel compelled to stand up here and talk about it—about why the number of dollars a worker gets paid has a drastically different impact from one state to another and even from one county to another. We must consider how increasing the minimum wage can make jobs in rural states and counties even more scarce; and, about how a wage hike can add even more people to the welfare rolls.

We have heard the old adage that people are entitled to their own opinions, but not their own facts. Well, here are the facts. It costs over twice as much to live in New York City than it does to live in Cheyenne, WY. That’s a fact. A \$25,000 salary in Cheyenne has the same buying power as a \$51,000 salary in New York, a \$32,000 salary in Boston, or a \$30,000 salary in Los Angeles. In other words, the average Wyoming worker can buy more than twice as much for the same wage as a worker in Manhattan. Twice as much. To put an even finer point on this staggering disparity, if the average worker in New York City is looking to rent an apartment, she would have to spend a whopping \$2,730 per month—that’s almost six times as expensive as the average apartment in Cheyenne. An apartment in Cheyenne only costs \$481 on average per month.

What about buying a home? The price difference between urban cities and rural towns is just as alarming. In New York, the average home costs \$533,000; in Boston, it costs \$244,000 and here in Washington, DC, it costs \$205,000. In Cheyenne, the cost of the average house is much, much less: \$116,000. In other rural towns, it’s far below \$100,000—even \$50,000.

Let’s look at other necessities. In New York, it is 50 percent more expensive to buy groceries than it is in Cheyenne. In Boston, the cost of utilities are almost double what they are in Cheyenne. And in Los Angeles, medical expenses are a third higher than in Cheyenne. My point is this: the cost of living in New York, or Boston, or Los Angeles is drastically higher than it is in rural towns. This is not one person’s

opinion—it’s a fact. And so to propose a wage level increase across the board and from coast to coast has an impact on these empirical disparities. It is like saying that rent for every apartment in this country must not be any higher than an apartment rent in rural towns, or that every bag of groceries must not cost any more than what it costs at a small town grocery store. No one would ever propose that, which is the reason I feel the need to ensure that such economic differences are, at the very least, debated.

It is different—supporters of an increase will argue—because the increase just sets a floor, a minimum wage for workers. States like New York, and California, and Massachusetts can tack on to that if they wish. But doesn’t that just beg the question? If there is a minimum wage disparity for workers in those states with higher costs of living, then why are we raising the minimum wage in every state just to compensate for those states where it costs more to live? Why are we endangering the economic stability of rural states and counties by not considering this reality?

The raw statistics show that job growth in Wyoming is exactly half of job growth nationwide—it’s growing, but just not as quick as we would like. Each year, at least 50 percent of Wyoming’s college graduates leave the state, unable to find work because there aren’t enough businesses to keep pace. What that translates into is this: if the minimum wage increase passes, rural areas could face fewer jobs than they already provide. What every student who has ever taken an economics course knows is that if you increase the price of something (in this case, a minimum wage job), you decrease the demand for those jobs. Indeed, a survey of members of the American Economic Association revealed that 77 percent of economists believe that a minimum wage hike causes job loss. For states that already struggle just to grow small businesses and increase the number of jobs they produce, such an outcome can be detrimental. And for those parents in Wyoming who tell me over and over again how tired they are of seeing their kids leave the state to attend college elsewhere—simply because there are not enough part-time and full-time entry level jobs to get experience from and help pay for their education. One restaurant owner in a small town told me that he would increase the wage, but that would mean 5 less jobs for bus boys. After the last increase, I also recall college students complaining because college grants—or work studies—were negatively impacted. What happened was that grant amounts weren’t increased, so the minimum wage hike resulted in less hours available per student under the grant. Students said that it resulted in a net loss for them. It’s because of unforeseen situations like these, I am compelled to bring this issue to the table. The legislation I’m proposing today is an attempt to save rural states and

counties from losing even more precious jobs because “Inside the Beltway” types think that a minimum wage hike might help workers in higher cost of living states like Massachusetts, California, and New York. This legislation, which I call “State Flexibility,” is not a perfect solution. What this bill would do is give some discretion back to the states to decide whether it wants to remain at the increased federal rate of \$6.15 an hour, or whether a wage that’s 15 percent under the federal wage works better for the economic growth—and the workers—of that state.

Here’s how the bill would work. First, just so that there is no confusion, it would not prevent any federal minimum wage increases from applying nationally. But this legislation would provide state legislators the ability to set the minimum wage for the state, or a county within the state, at 15 percent under the federal floor. This legislation would also allow a Governor on a “temporary” basis to set the minimum wage for a state or a county at 15 percent less than the federal floor for reasons such as high unemployment, slow economic growth or potential harm to the state’s welfare-to-work programs. I have listened carefully to the concerns of one-size-fits-all wage hike advocates, who say that the proposed increase is for workers. I agree, which is precisely why I’m advocating this approach—to ensure that welfare-to-work moms and dads living in counties with high unemployment rates aren’t excluded. I am confident that nobody in this Chamber wants to leave anyone behind.

I’ve talked quite a bit today about how increasing the minimum wage would affect the small business owner. Having owned a small business in Wyoming for 27 years, I can speak with some experience about just how detrimental an increase would be on small employers and job growth, and how this legislation would offer some flexibility to rural states and counties. But one area that I’ve been learning more about is how bad an increase would be on folks who have just recently entered the job market through welfare-to-work programs. What I’ve read has startled me, and as a former small business owner, the statistics pertaining to rural regions of the country make tangible sense to me. So much sense, in fact, that I am more convinced than ever that just increasing the minimum wage is not as sound a policy as advocates suggest.

First. Just as a minimum wage increase would slow job creation in rural states and negatively affect people who have been employed in their field for years, college students looking for jobs, or new graduates, it would also severely impact welfare recipients looking for work. University of Wisconsin economist Peter Brandon has actually determined that minimum wage hikes actually increase duration on welfare by more than 40 percent.

Second. The Educational Testing Service has concluded that fully two-thirds of welfare recipients have skills that qualify, at best, for entry-level employment, and many fall far below. And what researchers at Boston University have shown is that lower-skilled adults are displaced after a minimum wage hike by teens and students who are perceived as having better skills.

Third. Undoubtedly due to the above, research from Michigan State University shows that minimum wage hikes push as many families into poverty (due to job loss, for example), as they pull out of poverty.

These daunting statistics sound alarms if we haphazardly push through a minimum wage hike that has a heck of a good sound bite, but an awful aftertaste when the dust settles and a number of workers are left behind. This proposal, however, speaks to this point. If a state legislature or a Governor sees a potential for a detrimental impact on welfare to work programs within that state, they can act to keep the rate at 15 percent under the federal floor. This is simple, rational discretion. This legislation instills the same ideals incorporated in the 1996 Welfare Reform Act and the 1998 Workforce Investment Act. Congress and the President entrusted states with administering welfare-to-work and our nation’s job training programs. This bill would complement those landmark laws by saying that states can adjust the mandatory wage—ensuring that no worker gets left behind. We must not turn a blind eye when state flexibility matters most.

As chairman of the Senate Subcommittee on Employment, Safety and Training, my colleagues can be assured that the problem of economic disparities spurred by the lack of consideration by federal mandates will continue until we take a closer look. It’s real and it deserves our attention. It is my hope that by discussing this bill, the Senate will begin to exclude the politics from the minimum wage debate and start examining the full spectrum of this issue. I am serious about addressing this and I fully intend to debate it during the second session. The media and interest groups have asked that we not politicize the minimum wage. I couldn’t agree more, which is why I ask you to carefully consider not leaving anyone behind. 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. 1887

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 “Minimum Wage State Flexibility Act of 1999”.

SEC. 2. STATE MINIMUM WAGES AND AREA STANDARDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

“(h) STATE MINIMUM WAGES.—

“(I) IN GENERAL.—Notwithstanding any other provision of this section and sections 13(a) and 14, an employer in a State that has adopted minimum wage legislation that meets the requirements of paragraph (2) shall pay to each of its employees a wage at a rate that is not less than the rate provided for in such State’s minimum wage legislation.

“(2) REQUIREMENT.—This section and sections 13(a) and 14 shall only apply in such States that have adopted minimum wage legislation that sets wages for at least 95 percent of the workers within the State at an hourly rate that is not less than 85 percent of the hourly rate generally applicable for the year involved under subsection (a).

“(3) EMERGENCY CIRCUMSTANCES.—The chief executive officer of a State, through an executive order (or its equivalent), may set wages applicable to at least 95 percent of the employees within the State (or particular county of the State) at an hourly rate that is not less than 85 percent of the hourly rate generally applicable for the year involved under subsection (a) if any of the following circumstances exist:

“(A) The State welfare-to-work programs would be sufficiently harmed by mandating a minimum wage rate above an hourly rate equal to 85 percent of the hourly rate required under subsection (a).

“(B) The State (or county) is experiencing a period of high unemployment.

“(C) The State (or county) is experiencing a period of slow economic growth. This paragraph shall only apply to an executive order (or its equivalent) that is effective for a period of 12 months or less.”.

(b) APPLICABILITY OF MINIMUM WAGE TO THE TERRITORIES.—Notwithstanding section 5 of the Fair Labor Standards Act (29 U.S.C. 205), the provisions of section 6 of such Act (29 U.S.C. 206) shall apply to the territories and possessions of the United States (including the Commonwealth of the Northern Mariana Islands) in the same manner as such provisions apply to the States.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on April 1, 2000.

(2) EXCEPTION FOR CERTAIN STATES.—In the case of a State which the Secretary of Labor identifies as having a legislature which is not scheduled to meet prior to the effective date described in paragraph (1) in a legislative session, the date specified in such paragraph shall be the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after such effective date, and in which a State law described in section 6(h)(2) of the Fair Labor Standards Act of 1938 (as added by subsection (a)) may be considered. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. GRAHAM):

S. 1888. A bill to support the protection of coral reefs and other resources in units of the National Park System and other agencies under the administration of the Secretary of the Interior; to the Committee on Energy and Natural Resources.

CAROL REEF RESOURCE CONSERVATION AND MANAGEMENT ACT

Mr. AKAKA. Mr. President, I rise to introduce a bill that will enhance our ability to understand and conserve

coral reef ecosystems and the ocean life that depends on them.

In the past few years, Congress and the administration have recognized the importance of coral reefs to ocean ecologies and grown increasingly concerned about the challenges facing our reefs. 1997 was recognized as "Year of the Reef," and the House passed House Concurrent Resolution 8 which recognized the significance of maintaining the health and stability of coral reef ecosystems by promoting stewardship for reefs. In 1998 the President signed Executive Order 13089 establishing the U.S. Coral Reef Task Force under joint leadership of the Department of Commerce and Department of the Interior. The Executive order directs federal agencies to take steps to protect, manage, research and restore coral ecosystems. The bill I am introducing today supplements these actions by establishing a targeted national program for coral reef research, monitoring, and conservation for areas under the jurisdiction of the Department of the Interior. It is a companion measure to S. 1253, introduced earlier this year by Senator INOUYE, that authorizes a coral reef program through the Department of Commerce.

Mr. President, the importance of reefs to our economy, culture, and to the stability of our shorelines is becoming increasingly apparent as we begin to understand more about the interdependence of reefs and human activity. Substantial research shows that reefs are under greater stress than ever before, both from natural causes and human-induced damage. We need to act now before the decline of reefs becomes irreversible.

This measure authorizes coral reef research and conservation efforts through the Department of the Interior. The Department manages over 2,000 acres of sensitive coral reef habitat and adjacent submerged land at 20 national wildlife refuges and 9 units of the National Park System in Hawaii, Florida, the U.S. Virgin Islands, and the territories of Guam and American Samoa in the Pacific. Of the 4.2 million acres of reefs in the United States, few have been mapped, assessed, or characterized. There is still much to learn about the location and biology of coral reefs, their susceptibility to disease, and how they can be restored and sustained.

This measure establishes a coral reef conservation matching grant program that will leverage federal monies with non-federal funds raised through a non-profit foundation. This initiative is consistent with the efforts of the President's Coral Reef Task Force established by Executive Order No. 13089, and with the activities of other agencies, such as the National Oceanic and Atmospheric Administration, that are involved in coral reef research, monitoring, restoration and conservation.

Under my legislation, the Secretary of the Interior is authorized to provide grants for coral reef conservation

projects in areas under the Department's jurisdiction, through a merit-based, competitive program. Grants will be awarded on a 75 per cent federal and 25 per cent non-federal basis. The Secretary may also enter into an agreement with one or more foundations to solicit private funds dedicated to coral conservation programs. Up to 80 percent of the funding will be distributed equally between the Atlantic/Caribbean and the Pacific Ocean, and 20 percent of the funding can be used for emerging priorities or threats identified by the Secretary in consultation with the Coral Reef Task Force. Grants may be made to any relevant natural resource management authority of a State or territory of the United States, to other government authorities with jurisdiction over coral reefs as well as to educational or non-governmental institutions or organizations with demonstrated expertise in coral reef conservation. Priority will be given to projects that promote reef conservation through cooperative projects with local communities; that involve non-governmental organizations, academic or private institutions or local affected governments; that enhance public knowledge and awareness of coral reef resources; and that promise sound scientific information on the extent, nature and condition of reef ecosystems.

Most importantly, this legislation encourages community-based conservation efforts that involve local communities, nongovernmental organizations, and academic institutions in the protection of reefs. It brings people and communities together to participate in, and learn more about, the conservation of ocean resources—coral reefs and the many species that depend on reef ecosystems. Only by making ordinary people responsible for reef conservation, can we alter the types of human activity and behavior that are responsible for the adverse impacts on coral reefs that we glimpse today.

Mr. President, the people of Hawaii, our Nation's only insular state, are perhaps more aware of the subtle and interdependent relationship we have with coral reefs.

But all citizens should appreciate that the health of coral reefs is emblematic of the health of our oceans—upon which we depend for so many resources, from clean water to food to pharmaceuticals. Coral reefs are the rain forests of the ocean—a wild, beautiful, complex bountiful resource whose importance to life on earth, much less ourselves, is only beginning to be understood. But the harsh reality is that we are going to lose our reefs if we do not act soon, before we fully understand their role in the great web of marine life.

There are simply more people on the globe, in more places in the ocean, than ever before. Boats, anchors, snorkelers and divers are entering the water in increasing numbers. We are removing things from the water at an increasing rate—exotic salt water fish

for home aquariums and pieces of coral for houses and home decor. The amount of sediment and pollution runoff onto coral reefs increases with every major shoreline development. It is vital that we start now, to research and preserve our reefs, before human impacts cause irreversible damages to a resource whose essential role in nature is only just beginning to be understood.

Thank you, Mr. President. I urge my colleagues to support this legislation, which represents a critical step in helping us understand and live sustainably with coral reef ecosystems.

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. 1888

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 Resource Conservation and Management Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—
 (i) coral reefs have great commercial, recreational, cultural, environmental, and aesthetic value;
 (2) coral reefs—
 (A) provide habitat to $\frac{1}{3}$ of all marine fish species;
 (B) are essential building blocks for biodiversity;
 (C) are instrumental in forming tropical islands;
 (D) protect coasts from waves and storms;
 (E) contain an array of potential pharmaceuticals; and
 (F) support tourism and fishing industries in the United States worth billions of dollars;

(3) studies indicate that coral reefs in the United States and around the world are being degraded and severely threatened by human and environmental impacts, including land-based pollution, overfishing, destructive fishing practices, vessel groundings, and climate change;

(4) the Department of the Interior—
 (A) manages extensive acreage that contains sensitive coral reef habitat and adjacent submerged land at 20 national wildlife refuges and 9 units of the National Park System—

(i) in the States of Hawaii and Florida; and
 (ii) in the territories of Guam, American Samoa, and the United States Virgin Islands; and

(B) maintains oversight responsibility for additional significant coral reef resources under Federal jurisdiction in insular areas, territories, and surrounding territorial waters in the Pacific Ocean and Caribbean Sea;

(5) few of the 4,200,000 acres of coral reefs of the United States have been mapped or have had their conditions assessed or characterized;

(6) the Department of the Interior conducts scientific research and monitoring to determine the structure, function, status, and condition of the coral reefs of the United States; and

(7) the Department of the Interior, in cooperation with public and private partners, provides technical assistance and engages in management and conservation activities for coral reef habitats.

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

(1) to conserve, protect, and restore the health of coral reef ecosystems and the species of fish, plants, and animals that depend on those ecosystems;

(2) to support the monitoring, assessment, management, and protection of coral reef ecosystems over which the United States has jurisdiction (including coral reef ecosystems located in national wildlife refuges and units of the National Park System);

(3) to augment and support the efforts of the Department of the Interior, the National Oceanic and Atmospheric Administration, and other members of the Coral Reef Task Force;

(4) to support research efforts that contribute to coral reef conservation;

(5) to support education, outreach, and enforcement for coral reef conservation;

(6) to provide financial resources and matching funds for partnership efforts to accomplish the purposes described in paragraphs (1) through (4); and

(7) to coordinate with the Coral Reef Task Force and other agencies to address priorities identified by the Coral Reef Task Force.

SEC. 3. DEFINITIONS.

In this Act:

(1) CORAL.—The term “coral” means any species of the phylum Cnidaria, including—

(A) any species of the order Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), or Coenothecalia (blue corals), of the class Anthozoa; and

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

(2) CORAL REEF.—The term “coral reef” means the species (including reef plants and coralline algae), habitats, and other natural resources associated with any reef or shoal composed primarily of corals within all maritime areas and zones subject to the jurisdiction of the United States, including Federal, State, territorial, or commonwealth waters in the south Atlantic, the Caribbean, the Gulf of Mexico, and the Pacific Ocean.

(3) CORAL REEF CONSERVATION PROJECT.—The term “coral reef conservation project” means an activity that contributes to or results in preserving, sustaining, or enhancing any coral reef ecosystem as a healthy, diverse, and viable ecosystem, including—

(A) any action to enhance or improve resource management of a coral reef, such as assessment, scientific research, protection, restoration and mapping;

(B) habitat monitoring and any species survey or monitoring of a species;

(C) any activity necessary for planning and development of a strategy for coral reef management;

(D) community outreach and education on the importance and conservation of coral reefs; and

(E) any activity in support of the enforcement of laws relating to coral reefs.

(4) CORAL REEF TASK FORCE.—The term “Coral Reef Task Force” means the task force established under Executive Order No. 13089 (June 11, 1998).

(5) FOUNDATION.—The term “foundation” means a foundation that is a registered non-profit organization under section 501(c) of the Internal Revenue Code of 1986.

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

(7) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.

SEC. 4. CORAL REEF RESOURCE CONSERVATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall provide grants for coral reef conservation projects in accordance with this section.

(b) ELIGIBILITY.—The Secretary may award a grant under this section to—

(1) any appropriate natural resource management authority of a State—

(A) that has jurisdiction over coral reefs; or

(B) the activities of which affect coral reefs;

(2) any educational or nongovernmental institution or organization with demonstrated expertise in marine science or coral reef conservation.

(c) MATCHING REQUIREMENTS.—

(1) FEDERAL SHARE.—Except as provided in paragraph (3), the Federal share of the cost of a coral reef conservation project that receives a grant under this section shall not exceed 75 percent of the total cost of the project.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a coral reef conservation project that receives a grant under this section may be provided in cash or in kind.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement under paragraph (1) if—

(A) the cost of the project is \$25,000 or less; or

(B) the project is necessary to undertake, complete, or enhance planning and monitoring requirements for coral reef areas under—

(i) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); or

(ii) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.).

(d) ALLOCATION.—The Secretary shall award grants under this section so that—

(1) not less than 40 percent of the grant funds available are awarded for coral reef conservation projects in the Pacific Ocean;

(2) not less than 40 percent of the grant funds available are awarded for coral reef conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea; and

(3) the remaining grant funds are awarded for coral reef conservation projects that address emergency priorities or threats identified by the Secretary, in consultation with the Coral Reef Task Force.

(e) ANNUAL FUNDING PRIORITIES.—After consultation with the Coral Reef Task Force, States, regional and local entities, and non-governmental organizations involved in coral and marine conservation, the Secretary shall identify site-specific and comprehensive threats and constraints that—

(1) are known to affect coral reef ecosystems (including coral reef ecosystems in national wildlife refuges and units of the National Park System); and

(2) shall be considered in establishing annual funding priorities for grants awarded under this subsection.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall review and rank coral reef conservation project proposals according to the criteria described in subsection (g).

(2) PEER REVIEW.—

(A) IN GENERAL.—For projects that have a cost of \$25,000 or more, the Secretary shall—

(i) provide for merit-based peer review of the proposal; and

(ii) require standardized documentation of the peer review.

(B) EXPEDITED PROCESS.—For projects that have a cost of less than \$25,000, the Secretary shall provide an expedited peer review process.

(C) INDIVIDUAL GRANTS.—As part of the peer review process for individual grants, the Secretary shall request written comments from the appropriate bureaus or departments of the State or other government having jurisdiction over the area where the project is proposed to be conducted.

(3) LIST.—At the beginning of each fiscal year, the Secretary shall make available a list describing projects selected during the previous fiscal year for funding under subsection (g).

(g) PROJECT APPROVAL CRITERIA.—The Secretary shall evaluate and select project proposals for funding based on the degree to which each proposed project—

(1) is consistent with the purposes of this Act; and

(2) would—

(A) promote the long-term protection, conservation, restoration, or enhancement of coral reef ecosystems in or adjoining areas under the jurisdiction of the Department of the Interior;

(B) promote cooperative conservation projects with local communities, nongovernmental organizations, educational or private institutions, affected local governments, territories, or insular areas;

(C) enhance public knowledge and awareness of coral reef resources and sustainable use through education and outreach;

(D) develop sound scientific information on the condition of and threats to coral reef ecosystems through mapping, monitoring, research and analysis; and

(E) increase compliance with laws relating to coral reefs.

(h) REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate regulations to implement this Act.

(2) PROJECT APPROVAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to implement subsection (f), including requirements for project proposals.

(3) CONSULTATION.—In developing regulations under this subsection, the Secretary shall identify priorities for coral reef resource protection and conservation in consultation with agencies and organizations involved in coral and marine conservation, including—

(A) the Coral Reef Task Force;

(B) interested States;

(C) regional and local entities; and

(D) nongovernmental organizations.

(i) ADMINISTRATION.—

(1) FOUNDATION INVOLVEMENT.—

(A) AGREEMENTS.—The Secretary may enter into an agreement with 1 or more foundations to accept, receive, hold, transfer, solicit, and administer funds received or made available for a grant program under this Act (including funds received in the form of a gift or donation).

(B) FUNDS.—A foundation that enters into an agreement described in subparagraph (A) shall—

(i) invest, reinvest, and otherwise administer funds described in subparagraph (A); and

(ii) maintain the funds and any interest or revenues earned in a separate interest-bearing account that is—

(I)(a) an insured depository institution, as the term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); or

(bb) an insured credit union, as the term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); and

(II) established by the foundation solely to support partnerships between the public and private sectors that further the purposes of this Act.

(2) REVIEW OF PERFORMANCE.—

(A) IN GENERAL.—Beginning in fiscal year 2000, and biennially thereafter, the Secretary shall conduct a review of each grant program administered by a foundation under this subsection.

(B) ASSESSMENT.—Each review under subparagraph (A) shall include a written assessment describing the extent to which the foundation has implemented the goals and requirements of this section.

(j) TRANSFERS.—

(1) IN GENERAL.—Under an agreement entered into under subsection (i)(1)(A), the Secretary may transfer funds appropriated under section 5(b) to a foundation.

(2) USE OF TRANSFERRED FUNDS.—Amounts received by a foundation under this subsection may be used for matching, in whole or in part, contributions (whether in currency, services, or property) made to the foundation by private persons and State and local government agencies.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$20,000,000 for each of fiscal years 2000 through 2004, to remain available until expended.

(b) LIMITATION ON ADMINISTRATIVE FUNDS.—Not more than 6 percent of the amounts appropriated under this section may be used for program management and administration under this Act.

By Mr. GRAMS:

S. 1889. A bill to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending; accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that when one Committee reports, the other Committee have thirty days to report or be discharged.

COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

Mr. GRAMS. Mr. President, we are now in the final stages of completing the FY 2000 Appropriation bills. We will soon end the first session of the 106th Congress. Looking back, I must say, we have had some successes, and I am proud of these achievements. However, the biggest failure, in my judgment, is that we have failed to learn the lessons from our past two years' experience and we have failed to maintain fiscal discipline due to our seriously flawed budget process.

That's why I rise today to introduce legislation that would reform the federal budget process, strengthen fiscal discipline, and restore government accountability to ensure that taxpayers are fully represented in Washington.

Mr. President, after last year's abuse of the budget/appropriation process, many of us realized that the federal budget process became a reckless game in which the team roster was limited to a handful of Washington politicians and technocrats while the taxpayers

were relegated to the sidelines. This not only weakened the nation's fiscal discipline but also undermined the system of checks and balances established by the Constitution.

At the beginning of the 106th Congress, I argued repeatedly in this chamber that the key to a successful Congress was to pursue comprehensive budget process reforms. I introduced legislation to achieve these goals. I was pleased that Senate leaders included budget process reform as one of the top five priorities in the 106th Congress. Unfortunately, that commitment has not yet materialized.

As a result, this year's appropriation process is almost a play-by-play of 1998. Congress over-used advanced appropriations, and used directed scoring, emergency spending and other budgetary techniques to dodge fiscal discipline and significantly increase government spending.

Mr. President, our failure can be traced to our seriously flawed budget process. Twenty-five years ago, Congress tried to change its budget practices and get spending under control by passing the Congressional Budget Act. Yet, over these 25 years, our national debt has grown from \$540 billion to \$5.7 trillion.

Spending is at an all-time high, and so are taxes. The budget process has become so complicated that most lawmakers have a hard time understanding it. Of course, that hasn't stopped the proliferation of budget smoke and mirrors to circumvent the intent of the Congress. The flawed process allows members to vote to control spending in the budget and then turn right around and vote for increased appropriations. The process encourages spending increases rather than spending control. It encourages continued fiscal abuse, waste, and irresponsibility.

Clearly, we need to immediately pursue comprehensive reform to ensure the integrity of our budget and appropriations process and avoid repeating the same mistakes we made in the past two years. We must do this early in the year before we begin to face appropriation pressures.

This is why I am introducing the Comprehensive Budget Process Reform Act. This legislation is the companion bill of HR 853, which was a bipartisan effort led by Congressmen NUSSLE and CARDIN. It has been reported by the House Budget Committee. There are also a number of good budget reform proposals in the Senate I have earlier supported. Reforms introduced by our Budget Committee Chairman Senator Domenici are important and I strongly support his leadership in this area. My legislation is complementary to but broader than Senator Domenici's efforts.

Mr. President, let me highlight my legislation. The legislation will force us to pass a legally-binding federal budget, set aside funds each year in the budget for true emergencies; strength-

en the enforcement of budgetary controls; enhance accountability for Federal spending; display unfunded liabilities for Federal insurance programs; mitigate the bias toward higher spending, modify Pay-As-You-Go (PAYGO) procedures to accommodate budget surpluses; and ensure the Social Security surplus will be protected.

The core of the legislation will provide for an annual joint budget resolution, rather than a concurrent resolution, thus making it a legally binding budget through a law requiring the President's signature.

I believe this is a critical step in reforming the budget process. If Congress and the President agree on a Joint Budget Resolution at the beginning of the process, appropriators in Congress would be legally bound to stay within those spending limits. It forces confrontation at the earliest stages of the budget process, leaving adequate time for legislating detail and minimizing disputes at the end of the process which threaten to shutdown the government.

The second component of the bill will redefine emergency spending and create a reserve fund to pay for emergencies. Emergency spending was traditionally used for unanticipated wars and natural disasters that took life and severely damaged property. Because emergency spending today is effectively exempt from congressional spending controls, Congress and the Administration have used this as an opportunity to bust the budget for a lot of spending that isn't emergency related at all.

Last year alone, Congress appropriated \$35 billion for so-called emergencies. This year again, over \$24 billion of emergency spending is appropriated. Since 1991, emergency spending has totaled over \$145 billion. Most "emergencies" were used to fund regular government programs, not unanticipated events. Emergency spending is sought as a vehicle to add on even more spending priorities. This has gone too far. We need a better way to budget for emergencies. Most of this spending can be planned within our budget limits. Even natural disasters happen regularly—why not budget for them?

My legislation will end this abuse of emergency spending. It requires both the President and the Congress to budget up front for emergencies by setting aside dollars in an emergency reserve fund. The reserve fund will contain an amount at least equal to the 5-year historical average of amounts provided for true emergencies. It includes a clear definition of "emergencies." My legislation prohibits release of funds from the reserve pending Budget Committee certification that: (1) A situation has arisen that requires funding for "the prevention or mitigation of, or response to, loss of life or property, or a threat to national security"; and (2) The situation is "unanticipated"—with "unanticipated" defined as sudden, urgent, unforeseen, and temporary.

In the event that Congress and the President fail to agree on annual appropriation measures by October 1, my legislation will allow the budget resolution signed into law earlier in the year to automatically kick in. This will effectively prevent any future government shutdowns due to disagreements on spending priorities between Congress and the Administration.

Mr. President, the 1995 federal government shutdown is still fresh in our minds. It was the longest shutdown in history and caused financial damage and inconvenience to millions of Americans when the President refused to support a Balanced Budget Act and tax relief for Americans. The shutdown shook the American people's confidence in their government and in their elected officials.

Since 1997, I, along with Senator McCAIN, have been advocating an automatic continuing resolution, or CR, as we call it, to prevent a government shutdown. I was able to obtain a commitment from the Senate leadership of both parties to pursue this legislation separately in the near future. But no action has followed. If we had an automatic CR, we would not have to go through bitter battles at the end of every fiscal year.

The virtue of an automatic CR is that it would allow us to debate issues concerning spending policy and the merits of budget priorities while we continue to keep essential government functions operating. The American taxpayer will no longer be held hostage to a government shutdown.

Mr. President, there will always be plenty of uncertainties involved in our budget and appropriations process. The automatic kick-in of the budget resolution in the bill I introduce today will work the same as my automatic CR.

Another flaw of the budget process is so-called budget baselines. When a government program is going to increase by 4.5 percent per year, anyone with common sense would think that is a budget increase, not a budget "cut." But under baseline budgeting it could mean "cut." Lee Iaccoca once stated that if business used baseline budgeting the way Congress does, "they'd throw us in jail."

This is a typical budget gimmick. Any proposed spending levels below current baselines are perceived as program reductions, allowing some politicians to claim savings while permitting others to claim increases. Baseline budgeting is biased in favor of more spending. It is not honest budgeting but rather very misleading. My legislation would require Congress and the President to use this year's actual spending total as the baseline for the next year's budget. If we decide to spend more than the current year, we are increasing the budget. If we spend less, we are cutting it. Let's call a spade a spade.

Mr. President, we have entered an era of budget surplus. It is estimated that in the next ten years, our strong

economy will generate an over \$1 trillion non-Social Security surplus. If we don't return this surplus to taxpayers in the form of tax relief and debt reduction, the government will spend it all. However, the current budget process limits our ability to provide tax relief for working Americans.

The budget law requires that all tax cuts be offset with tax increases or cuts in entitlement programs such as Medicare. Tax cuts may not be paid for by cutting discretionary spending, such as wasteful government programs. This rule, called the PAYGO rule, applies regardless of whether there is a surplus or deficit. The PAYGO rule effectively limits options with respect to reducing taxes because it precludes using spending cuts in discretionary programs to offset tax cuts. Thus there is a built-in bias in favor of higher levels of spending and taxation in the current budget process.

My legislation would amend Pay-As-You-Go requirements to permit any portion of the on-budget surplus, excluding Social Security, to be used for tax cuts.

Related to the PAYGO rule reform, my legislation also creates a lockbox to lock in every penny that is saved from floor amendments to appropriations bills and use it to reduce federal government spending. Spending levels in the budget resolution and any caps on discretionary spending would be automatically reduced by the amount in the floor amendment.

The bill requires committees to submit a plan for reauthorizing all programs within their jurisdictions in 10 years. It also prohibits the Congress from considering a bill that creates a new spending program unless it is sunset within 10 years. My legislation also guarantees Members the right to offer amendments subjecting proposed entitlements to the enhanced oversight of the appropriations process.

Under the current budget process, we have over 20 budget functions, and a half dozen different committees with jurisdiction over one budget function. This has complicated the process greatly. To simplify the process, my bill collapses the 20 non-enforceable budget functions currently used into total (aggregate) spending and revenue levels, with separate categories for discretionary and mandatory spending. It is simple, and easy enough for everyone to understand.

Mr. President, a number of the Federal insurance programs (excluding Social Security and Medicare) that have a looming impact on the federal budget are not included in our budget process. The liabilities caused by these programs could be enormous. Budgeting for these liabilities will give us better control over long-term programs. My legislation requires the Congressional Budget Office and the Office of Management and Budget to report periodically on long-term budgetary trends, to help make Members aware of the future budgetary implications of spending programs.

Finally, Mr. President, it's vitally important that we save the entire Social Security surplus, not for government spending, not for tax relief, but exclusively for Social Security.

I believe we need an enforcement mechanism to ensure that Congress and the President do not touch the Social Security surplus. My legislation requires that if any fiscal year's appropriations end up spending the Social Security surplus, a sequestration will be automatically triggered to reduce government spending across the board in the amount of the Social Security surplus that was used. Entitlement programs like Social Security and Medicare would not be cut. In addition, the bill reaffirms the protected status of Social Security under the current budgetary law.

Mr. President, it is true that our short-term fiscal situation has improved greatly due to the continued growth of our economy. However, our long-term financial imbalance still poses a major threat to the health of our future economic security. Without budget process reform, we will find ourselves again and again making the same mistakes which result in bigger government, more spending and more abuse. We need to spend more time on oversight and reauthorizing expiring programs rather than on endless budget battle at the end of every fiscal year.

President Reagan summed up the real problem of our budget process when he pointed out "this budget process does not serve the best interests of the nation, it does not allow sufficient review of spending priorities, and it undermines the checks and balances established by the Constitution."

If the Congress adopts the Comprehensive Budget Process Reform Act, it will ensure a budget process that serves the best interests of the nation and allow for careful policy and spending deliberation. That's why I am introducing this legislation today. I urge my colleagues to support this measure.

By Mr. L. CHAFEE:

S. 1891. A bill to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects; to the Committee on Health, Education, Labor, and Pensions

THE LITERACY INVOLVES FAMILIES TOGETHER ACT

Mr. L. CHAFEE. Mr. President, today I have the enormous honor of introducing legislation to renew and strengthen the Even Start Family Literacy Act. On October 1, 1985, my father stood at this desk, where I stand today, and introduced the Even Start Act. He did so because of his profound commitment to the most vulnerable and disadvantaged members of our society. As I introduce this bill, which attempts to break the cycle of illiteracy that divides our Nation into haves and have nots, I do so in an effort to continue that commitment to disadvantaged Americans.

Last week, an identical bill was introduced in the House of Representatives by BILL GOODLING, chairman of the House Committee on Education and the Workforce. Chairman GOODLING introduced the original Even Start Act in the House on May 16, 1985. Both versions of the Even Start Act were reintroduced in the 100th Congress and became law as part of the Hawkins-Stafford Elementary and Secondary Improvement Act Amendments of 1987.

There are approximately 40 million Americans who suffer from illiteracy. Like a disease, illiteracy often goes undetected. Like a disease, illiteracy too often is passed from generation to generation. Like a disease, illiteracy is painful for families to endure. There is no certain cure for illiteracy, but by renewing and expanding the Even Start Family Literacy Program, we offer tens of thousands of families hope for a better future.

There are many controversies related to education policy at the local, state and federal levels. There are heartfelt, passionately held opinions about everything from funding levels to particular teaching techniques. Nevertheless, there are a few things on which nearly everyone agrees: parents are their children's first and most important teachers, and children who are read to early and often do better in school than children who are not.

As the father of three young children, reading together is a part of daily life that I take for granted. I suspect that it is difficult for most of the members of this body to imagine what it would be like not to have the ability to sit down with your children or grandchildren to read a favorite story. But for millions of Americans, reading a bedtime story or helping with a son or daughter's homework assignment is impossible.

The Even Start Family Literacy Act brings families together to learn. Parents who do not have a high school degree or its equivalent are eligible for this program. They learn the basic educational skills that enable them to improve their own situations and, perhaps even more importantly, they learn the skills they need to help their children in school. At the same time, children from birth to age 8 receive appropriate educational services.

The bill I am introducing makes two notable changes in the Even Start program. First, it enables a child, who also is receiving title I services, to remain in the Even Start program beyond age 8. It also requires Even Start programs to utilize research-based teaching techniques for children. In addition to these improvements, it authorizes the Institute for Literacy to investigate the most effective means of improving adults' literacy skills, and it increases the authorization level to \$500 million so that more families can be served.

Currently, there are four Even Start programs in Rhode Island receiving

federal funds. Each of these programs serves between 25 and 40 families. In Newport, the Sullivan School Children's Opportunity Zone/Family Center has entered into an Even Start partnership with New Visions—the local Head Start provider, the Newport Public Library, the Florence Gray Center—which provides housing for low-income families, the Community College of Rhode Island and the Newport Hospital. Half of its participants are non-English readers.

In Woonsocket, the Fairmont School is the Even Start center, with partners from Literacy Volunteers of Northern Rhode Island and Woonsocket Head Start, among others. Three cities and towns—Johnston, North Providence, and Smithfield, have joined together to create the Tri-Town Community Action Even Start Program. Finally, the Cunningham School Even Start Program has established a partnership with Pawtucket Public Schools and Libraries, the Pawtucket Day Nursery, and a range of education and social service providers.

Each of these programs has utilized existing early childhood and adult education services. Together they are striving to address the needs of the whole family.

In the 12 years since the Even Start Program first was created, our nation has been propelled into the information age. Americans are increasingly dependent on technology for a wide range of needs and services. This new age magnifies our need for a literate society. As we continue to experience technological advancements, the educationally disadvantaged fall further behind. I believe that the Even Start Family Literacy Act as reauthorized by this bill—the Literacy Involves Families Together Act—is critically important to our Nation's children, our Nation's families, and our Nation's future.

I see Senator JEFFORDS on the floor. Before I yield to him, I thank him for his generosity to me and for his leadership in the area of education. Chairman JEFFORDS has the daunting task of leading the Senate's efforts to reauthorize the Elementary and Secondary Education Act. From what I know of Senator JEFFORDS, this major undertaking couldn't be in more able hands.

Mr. President, I urge my colleagues to join me as cosponsors of this bill.

Mr. JEFFORDS. Mr. President, we were all deeply saddened just a few days ago at the death of Senator John Chafee. Certainly, that sadness can never diminish completely. But having his son with us today and starting right off by introducing an excellent piece of legislation certainly brings us strong hope for the future.

Mr. President, I commend the Senator from Rhode Island for introducing the Literacy Involves Families Together Act, the LIFT Act. This legislation reauthorizes one of the most effective education programs, Even Start.

The Even Start Act was first introduced in 1985 by Representative BILL

GOODLING, chairman of the House Education and Workforce Committee, and our former colleague, Senator John Chafee.

When first created, the goal of the Even Start program was to develop a comprehensive literacy program that improves educational opportunities for disadvantaged families by focusing on parenting education, early childhood education, and adult education. Since its establishment a little over a decade ago, Even Start has grown from 76 local programs serving 2,500 families to an estimated 600 programs assisting over 36,000 parents and 48,000 children.

The most recent evaluation of the Even Start program illustrated that both the adults and children who participated in the program significantly improved their reading and basic education skills. The evaluation specifically pointed out that the educational gap that existed at the beginning of the school year for first term Even Start students was reduced by approximately two-thirds when the Even Start students were tested at the conclusion of the school year.

The most recent national survey of reading achievement by fourth graders indicates that forty-four percent of school age children in this nation are reading below a basic level of achievement.

Sadly, the statistics are also dismal when analyzing adult literacy skills. The most recent National Adult Literacy Survey found a total of 44 million adults, almost 25 percent of the adult population in the United States, were at the lowest literacy level. The lowest literacy level means that 44 million adults in this country have demonstrated difficulty in the reading and writing skills essential for carrying out daily routines. The uniqueness of the Even Start program is that it provides services to the entire family—it enables families to learn together.

I commend my colleague from Rhode Island for making literacy a very high priority. I am especially pleased that he chose to sponsor the reauthorization of the Even Start program which was first introduced to this body by his father.

I look forward to working with the Senator from Rhode Island on the Literacy Involves Families Together Act, the LIFT Act, as a part of the reauthorization of the Elementary and Secondary Education Act which the Senate will consider early next year and on other education and literacy initiatives that will enable all of our Nation's citizens to have the knowledge and skills necessary to compete in the global economy.

I again commend the Senator from Rhode Island for being out here so fast and quick with a very important piece of legislation. I share his enthusiasm and look forward to working with him.

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

S. 1892. A bill to authorize the acquisition of the Valles Caldera, to provide

for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes; to the Committee on Energy and Natural Resources.

THE VALLES CALDERA PRESERVATION ACT

Mr. DOMENICI. Mr. President, in Northern New Mexico there is a truly unique working ranch on an historic Mexican land grant known as Baca Location No. 1. The ranch is currently owned and managed by the Baca Land and Cattle Company, and it comprises most of a collapsed, extinct volcano known as the Valles Caldera. The Valles Caldera is a beautiful place with rolling meadows, crystal-clear streams, roaming elk, and vast stands of Ponderosa pines. I am very proud to announce we are introducing legislation today that will authorize the Secretary of Agriculture to acquire this property which is a truly unique 95,000 acre working ranch in New Mexico.

For Senator BINGAMAN and I, and a few others working on this issue, this is a not-so-instant replay from last year. Last year around this time, Senator BINGAMAN and I announced that we had reached agreement with the President on a comprehensive plan to acquire the Baca Ranch and, at the same time, to provide for disposal of designated surplus land from the Federal inventory. Those two concepts, embodied in Titles I and II of last year's bill, have survived in this new bill.

Title I provides for an innovative trust structure to manage this ranch, when it is purchased by the Federal Government. Title II provides a process for compensating citizens who await Federal payment for land trapped within vast areas of Federal land, so-called "inholders", and the orderly disposal of Federal land that has already been declared surplus by the Federal Government.

As you may recall, Senator BINGAMAN began this process with his purchase bill in 1997. The process of purchasing the Baca Ranch for the public was jump-started last summer when President Clinton and I, flying on Air Force One to Washington, reached an agreement on the concept of an innovative trust arrangement to manage the Baca, if it were to become part of Federal land holdings. The President's response led to a number of rounds of negotiations between representatives of the Administration and our offices.

Finally, after literally thousands of hours of discussion at all levels, agreement was reached, we introduced the bill and a similar one was introduced in the House of Representatives. And, in what I frankly admit was almost miraculous, we were able to persuade Congress to provide \$40 million in last year's appropriations process as earnest money for any Baca Ranch purchase that might be authorized by Congress.

Then, unexpected disaster struck. The owners of the Baca Ranch decided

not to sell the land after all. I said to many of you then that I thought the purchase was dead.

However, like Lazarus the Baca Ranch purchase lives again. I must thank Senator BINGAMAN for his leadership in this matter, Congresswoman WILSON for her extremely effective work behind the scenes in the House to promote the purchase, and the new Congressman from Santa Fe, Mr. UDALL, for his support. And, I must thank the Administration for its commitment.

This kind of cooperation has brought us to this day of good news. Today, Senator BINGAMAN and I again introduce a bill to authorize both the purchase of the Baca Ranch by the federal government and the orderly disposal of surplus lands in order to pay for debts the government owes to "inholders." I understand that Representatives WILSON and UDALL will introduce companion legislation in the House.

Now, let's talk for a moment about the \$101 million price tag the Baca Ranch purchase carries. The \$40 million that we won last year from the Appropriations process had been spent. The President didn't ask for it in his budget, logically, since he thought the ranch was no longer for sale. And, the Interior Appropriations Subcommittees in the House and Senate failed to appropriate the \$40 million for the same reason—it seemed that the purchase was dead.

However, the President recently announced a \$101 million purchase agreement between the federal government and the Dunigan family, the current owners of the Baca Ranch. Quickly, we jumped to action, and in October, the New Mexico delegation succeeded in restoring the \$40 million originally approved last year for the purchase. As a member of the Senate Interior Appropriations Subcommittee, I have been involved in talks between congressional negotiators and the White House over several issues in the FY 2000 Interior Appropriations Bill. Those talks have led to a tentative agreement to provide an additional \$61 million, on top of the \$40 million restored in October, for the Baca Ranch purchase. If the \$101 million appropriation becomes law, its release would be subject to congressional authorization of the land acquisition, as well as a review of the ranch appraisal by the Comptroller General of the United States.

This is a terrific development and could very well help in moving this authorizing legislation through Congress next year. The drive to bring this beautiful ranch into public ownership has helped gain this funding. As important as the money, however, is retaining the dual nature of this legislation. This bill contains two major titles: one to authorize purchase of the Baca Ranch, which draws most of the headlines; and the other to begin a major reform in federal land management. The President has signed onto both; we have signed onto both. Both Titles must

eventually become law in order for the Baca Ranch purchase to proceed.

I have visited the Baca Ranch, and I can tell you that it is one beautiful piece of property. The Valles Caldera is one of the world's largest resurgent lava domes. The depression from a huge volcanic eruption over a million years ago is more than a half-mile deep and fifteen miles across at its widest point. The land was originally granted to the heirs of Don Luis Maria Cabeza de Vaca under a settlement enacted by Congress in 1860. Since that time, the property has remained virtually intact as a single, large, tract of land.

The careful husbandry of the Ranch by the Dunigan family provides a model for sustainable land development and use. The Ranch's natural beauty and abundant resources, and its proximity to large municipal populations could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting. The Baca is a unique working ranch. It is not a wilderness area, and can best be protected for future generations by continuing its operation as a working asset through a unique management structure. This legislation provides that unique management under a trust that may allow for its eventual operation to become financially self-sustaining.

Mr. President, because of the ranch's unique character, I am not interested in having it managed under the usual federal authorities, as is typical of the Forest Service, Bureau of Land Management, or the National Park Service. Under the current state of affairs on our public lands, Forest Service and BLM management is constantly hounded by litigation initiated by some of the same groups that wish to bring this ranch into government ownership. The Valles Caldera National Preserve will serve as a model to explore alternative means of federal management and will provide the American people with opportunities to enjoy the Valles Caldera and its many resources.

The unique nature of the Valles Caldera, and its resources, requires a unique management program, dedicated to appropriate development and preservation under the principle of the highest and best use of the Ranch in the interest of the public. Title I of this legislation provides the framework necessary to fulfil that objective. It authorizes the acquisition of the Baca Ranch by the Forest Service. At the same time, it establishes a government-owned corporation, called the Valles Caldera Trust, whose sole responsibility is to ensure that the ranch is managed in a manner that will preserve its current unique character, and provide enumerable opportunities for the American people to enjoy its splendor. Most importantly to me, however, the legislation will allow for the ranch's continued operation as a working asset for the people of north-central New Mexico, without further drawing on the thinly-stretched resources of the federal land management agencies.

I would like to emphasize that both portions of this bill are milestones in federal land management. This legislation independently addresses the acquisition of this unique property for public use and enjoyment, while solving current land management problems related to surplus land disposal and the acquisition of inholdings from owners who truly want to sell their land.

Currently, approximately one-third of New Mexico's land is in federal ownership or under federal management. These public lands are an important resource that require our most thoughtful management. In order to better conserve existing national treasures for future use and enjoyment, we have devised a good plan to dispose of surplus land through sale or exchange into private, State, or local government ownership.

In many cases, it is just too costly to keep this unneeded land under federal ownership, and it can be more effectively managed in other hands. Title II of this bill, the Federal Land Transaction Facilitation Act, calls for the orderly disposition of surplus federal property on a state by state basis, and provides land managers with needed tools to address the problem created by "inholdings" within federally managed areas. There are currently more than 45 million acres of privately owned land trapped within the boundaries of Federal land management units, including national parks, national forests, national monuments, national wildlife refuges, and wilderness areas.

In other cases, however, landowners who want out have been waiting generations for the Federal Government to set aside funding and get around to acquiring their property. This legislation directs the Departments of the Interior and Agriculture to reach out to those property owners who want to sell their land. It also instructs the Departments to establish a priority for the acquisition of these inholdings based, in part, on how long the owner has been waiting to sell.

An issue related to the problem created by inholdings is the abundance of public domain land which the Bureau of Land Management has determined it no longer needs to fulfill its mission. Under the Federal Land Policy and Management Act of 1976, the BLM has identified an estimated 4 to 6 million acres of public domain lands for disposal.

Let me simply clarify that point—the BLM already has authority under an existing law, FLPMA, to exchange or sell lands out of Federal ownership. Through its public process for land use planning, when the agency has determined that certain lands would be more useful to the public under private or local governmental control, it is already authorized to dispose of these lands, either by sale or exchange.

The sale or exchange of this land would be beneficial to local communities, adjoining land owners, and federal land managers, alike.

An orderly process for the efficient sale or exchange of land identified for disposal does not currently exist. The Federal Land Transaction Facilitation Act addresses this problem by providing that a portion of the proceeds generated from the sale of these lands will be used to fulfill all legal requirements for the transfer of these lands out of Federal ownership. The majority of the proceeds generated would be used to acquire inholdings from those who want to sell their land.

The Senate Energy and Natural Resources Committee will schedule hearings to address the many issues regarding Federal purchase of the Baca Ranch in the near future. Congress has tried to resolve the difficult challenges in acquiring this property before, and failed; cooperation among the parties may bring success this time around. I want to thank everyone who has helped in this 18-month-long effort. I believe that in the end, we will be able to stand together and tell the American people that we truly have accomplished two great and innovative things with this legislation.

Mr. President, I am confident that if we get an Interior appropriations bill, the money will be in it. Everyone should know that it is subject to two conditions: A full authorization bill being passed and signed and subject to the General Accounting Office reviewing the procedures for the appraisal of the property and assuring the Congress of what they have done, in a sense with the expertise that is consistent with what must be used in order to satisfy Congress that there is a fair purchase price involved in the agreement.

I yield the floor to my colleague, Senator BINGAMAN.

Mr. BINGAMAN. Mr. President, I thank my colleague and very much appreciate the leadership he has shown on this important issue as well. This is a truly bipartisan effort we have made on behalf of New Mexico. This is not just an issue of the 106th Congress. This is an issue that our State has been pursuing for many decades. Back in the early 1960s, one of our predecessors in the Senate, Senator Clinton Anderson, made a valiant effort to bring the Baca Ranch into Federal ownership so the public could enjoy it and so its preservation could be assured for future generations.

After 3 years of effort in that direction, he abandoned the effort because of the infighting that occurred among competing interests. Then, Mr. President, over two years ago I rose in this chamber to introduce a bill to authorize the acquisition of the Baca Location #1, a ranch which comprises about ninety percent of the magnificent Valles Caldera. Today I rise to cosponsor a bill with Sen. DOMENICI that will not only authorize purchase of the Baca Ranch, but also a unique method of management for this property.

A world renowned volcanic caldera sweeping approximately fifty miles in circumference, the Valles Caldera is

the ecological heart of the Jemez Mountains. It's unparalleled vast upland meadows broken by forested volcanic domes and intertwined with 27 miles of winding trout streams, are home to a stunning variety of wildlife including: mountain lions, black bear, whitetail deer, redtail hawks, eagles, and wild turkey. It has also been the breeding ground for one of the largest elk herds in the lower forty-eight states.

There has been a desire on the part of the Dunigan family, the current owners of that land, to see that it go into public ownership, and the father of the current owners made that attempt before he died. They have recently decided they want to carry through with that wish of his and accordingly, as Senator DOMENICI indicated, the negotiations between the Dunigan family and the Federal Government have proceeded and now have come to a good resolution. This presents us with an incredible opportunity for the American people.

The potential of this land is enormous:

It could be used as a grassbank to allow ranchers to rest and rehabilitate hundreds of thousands of acres of public range land in New Mexico without having to lose production in the process;

It could provide incredible opportunities for scientific study and education, in the geophysical and biological sciences;

It currently is, and could continue to be, one of the premier hunting and fishing destinations in the country;

It's scenic value makes it an ideal location for the film industry. In fact it has often been used as a backdrop for movies, TV series, and commercials;

It presents amazing opportunities for outdoor recreation including, hiking, camping, horseback riding, cross-country skiing, and photography; and

As with many of the scenic wonders in my home state of New Mexico, there are places within the caldera that are of tremendous cultural significance to various Native American tribes in the area.

Clearly if this property were to be brought into public ownership it should be managed to preserve its incredible natural condition, while maintaining a balance with the various ways it could be used and enjoyed. The experiment called for in this bill sets out broad policy goals for the land (to preserve its natural treasures and to make it financially self-sustaining) and establishes a nine member board of trustees that shall set management policy for what would become the Valles Caldera Preserve. By requiring that each trustee have experience from differing but critical perspectives, this trust may be able to reach a balance that will meet the needs of the land and the public.

The nine members of this board would include:

(1) the Supervisor of the Santa Fe National Forest;

(2) the Superintendent of Bandelier National Monument;

(3) a person with expertise in range management and the livestock industry;

(4) a person with expertise in fish and wildlife management including game and non-game species;

(5) a person with expertise in sustainable forest management;

(6) an active participant in a conservation organization;

(7) a person with financial management and business expertise;

(8) a person with expertise in the cultural and natural history of the region; and finally;

(9) someone active in the State or local government in New Mexico familiar with the customs of the local area.

At least five of these trustees would be required to be residents of New Mexico. It would be an experiment, and would expire within twenty years unless it proves successful and is renewed by Congress.

A second part of this bill, not related to the management of the Valles Caldera Preserve, seeks to address the goal of the Federal land management agencies to consolidate their land holdings, by first helping to promote the sale of the widely scattered parcels of land that the Bureau of Land Management has designated "suitable for disposal," and secondly by using the proceeds of those sales towards the acquisition of inholdings within our public lands, areas of critical environmental concern, and other lands of exceptional resource value. This program would be authorized for ten years.

Just as the Baca Ranch can be seen as a large inholding surrounded by federal land which is worthy of public ownership, there are many other inholdings in our national parks, forests, wildlife refuges and public lands, where private owners are willing and eager to sell to government. At the same time, there are some two million acres of public land that the BLM has determined are too remote, isolated, or otherwise situated to make management more of a burden than a benefit to the Federal tax payer.

Often these lands are small 20 and 40 acre parcels surrounded by, or forming checker boarded areas with, private or state land. Though consolidating these lands has long been a goal of Federal land managers, the costs of surveying the land for endangered species, archeological artifacts, and for the purpose of determining a fair market value has hampered these efforts. This bill would create a mechanism to accelerate this work.

Mr. President, this bill is important because it holds the real promise of bringing the entire Valles Caldera into public ownership after so many failures in the past. It represents a compromise which Sen. DOMENICI and I have worked on with the Administration, the House Members of the New Mexico delegation, and with some consultation with the majority staff of the Energy & and

Natural Resources Committee. We have also received innumerable comments from various constituencies.

Like all negotiated legislation, each constituency and interest group would like to change a piece here or there. However, I believe it is overall a good bill which meets the broadest concerns raised by those constituencies and should be viewed as a whole rather than in pieces. My sincere hope is that we will be able to pass it substantially as it is early next session.

The other issue that Senator DOMENICI spoke to is the appropriating of funding for the purchase. I also am extremely pleased with that. I know the administration has felt strongly that we should try to get the full funding for the purchase of the ranch accomplished in this session of the 106th Congress before we adjourn. I know Senator DOMENICI has worked hard to accomplish that. I also worked with the Appropriations Committee members and the administration to full fund this purchase. I am very pleased to know that we are going to see that full appropriation at such time as we have an Interior appropriations bill signed into law.

This is an important effort for the State of New Mexico. I believe when the 106th Congress is finally completed, not the end of this week or next week but a year from now, when we look back and see what was accomplished in that 106th Congress that is important to the State of New Mexico and the people of New Mexico, this acquisition of the Baca Ranch will be at the top of the list.

I very much appreciate the good bipartisan effort that has gone into this.

By Mr. BOND:

S. 1893. A bill to amend the Indian Gaming Regulatory Act to prohibit the Secretary of the Interior from taking land into trust for Indian tribes for gaming purposes under certain conditions, and for other purposes; to the Committee on Indian Affairs.

GAMING CLARIFICATION ACT OF 1999

Mr. BOND. Mr. President, today I am introducing a Senate companion bill to legislation sponsored in the other body by the distinguished Representative from southwestern Missouri (Mr. BLUNT). This bill intends to clarify the application of the Indian Gaming Regulatory Act, or IGRA, in Missouri.

Specifically, this bill would prevent Indian Tribes from setting up casino gambling operations in areas of Missouri where non-Indians currently are prohibited from gambling. This is vitally important, if for no other reason than to maintain harmony in these communities. It is also essential to preserve the family-friendly atmosphere that draws so many vacationers to these areas. Branson, Missouri, in particular, has attained national fame as an extraordinarily beautiful area, with fun activities and entertainment suitable for parents and children alike.

An invasion of gambling into this setting would wreck this tremendous

asset. It would bring all the well-known pathologies and social problems that accompany gambling. I oppose introducing gambling into these areas and will do all I can to fight it. We must protect the family spirit that makes Branson a national destination for vacationers. We must do likewise for other Missouri communities that offer similar sanctuaries from the hyperactive stress of modern life, as well as great places for residents to raise children, build homes, and do business.

The bill I introduce today is very similar to one I offered in 1997. That bill would also have prevented Tribally owned casinos in areas of Missouri where non-Indian casinos are currently illegal. It became necessary when a Tribe in Oklahoma applied to put land in the small town of Seneca, Missouri into trust status for gambling purposes. They wanted to operate a casino where no one else could do so legally and to do so despite overwhelming community objection. Fortunately, the Interior Secretary indicated to me that he would not approve that application, and the Tribe ultimately withdrew its gambling application. Thus, the issue was satisfactorily resolved without legislation.

More recently, however, a flurry of applications has been filed to put Indian-owned land into trust for non-gambling activities. I am glad the Tribes are finding that non-gambling activities, as proposed uses for these lands, can be more beneficial and more friendly to their communities and neighbors. However, a great many of my constituents are concerned that these trust applications might make it easier to apply for gambling later. They worry that some Tribes might be seeking to approve gambling casinos through the back door. This bill will eliminate that concern by clarifying the meaning of the Indian Gaming Regulatory Act with respect to Missouri.

When the Congress adopted IGRA in 1988, it intended for a State's general policy toward gambling to be considered in evaluating applications by Indian Tribes to start casino operations. Drawing upon past court decisions in this area, the Congress provided that a Tribe might be eligible to conduct casino gambling on their lands in a State "that permits such gambling for any purpose by any person, organization, or entity." Once a State decides to move away from a criminal/prohibitory stance toward gambling, and adopts instead a civil/regulatory stance, Tribes are to have the opportunity to engage in gambling in that State as well. To that end, they may ask the State to negotiate a compact to regulate those casinos.

Generally, this approach helps ensure public peace while also ensuring the Tribes get to participate in gambling on more-or-less the same basis as non-Indians in the State. If the people of a State, through their legislature or through direct legislation, decide to legalize casino gambling "by any person,

organization, or entity," they cannot simply exclude the Tribes in favor of whatever non-Indian gambling companies might have the inside track in the State government. The Tribes are to have the same opportunity as the non-Indian companies.

But, if the people of a State maintain a general prohibition on gambling—whether as an expression of moral opposition or for some other reason—the Tribes will also need to respect this public opinion just like everyone else. I believe this is the situation in Missouri, whose constitution includes just such a general prohibition on casino gambling, with an exception for casinos based on the Missouri and Mississippi Rivers.

Article III of the Missouri Constitution sets out the powers of the Missouri General Assembly. Section 39 of that article makes certain things expressly outside of the legislature's authority. This is where the State's general prohibition on gambling appears. "The General Assembly shall not have power," it says, "to authorize lotteries or gift enterprises for any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise tickets." It says prohibit, not regulate.

Gambling, in general, is still prohibited by State law. Under section 572.020 of the Missouri Revised Statutes, "the crime of gambling" is a class C misdemeanor, unless committed by a professional player, in which case the crime is a class D felony. This means the crime of gambling is punishable by fine of up to \$300 in the case of a misdemeanor. A professional player may be fined up to \$5,000 or twice the amount of any gain received, up to a limit of \$25,000. These criminal offenses also carry potential prison sentences, of 15 days for a misdemeanor and up to 5 years for felony gambling.

The State constitution does not give the General Assembly authority to legalize these crimes. The power to legalize gambling was withheld from the General Assembly by the express terms of the constitution. Any change would require a constitutional amendment, ratified by the voters of Missouri.

The voters did exercise their authority to authorize very limited exceptions, without removing the general prohibition on legalized gambling. In the case of casino gambling, the voters authorized the General Assembly to legalize certain games only on excursion gambling boats and floating facilities docked along the Missouri and Mississippi Rivers. Again, the voters granted these limited exceptions without disturbing the general constitutional prohibition on gambling, which is a criminal offense elsewhere in the State.

The initiative that created this exception took this approach because many areas of Missouri have strong objections to gambling casinos. Particularly in southwest Missouri, many citizens hold strong moral objections to gambling. Many others simply fear

that gambling would destroy the family atmosphere that makes the Branson area a desirable and unique vacation spot. Still others are concerned that gambling disproportionately preys on the hopes of the poor, making it a particularly regressive economic activity.

We can see this expression of the community's view in the votes that were cast on the Missouri and Mississippi riverboat casino initiative. In the November 1994 election, voters in Taney county (where Branson is located) voted against the casino initiative 73% to 27%. In Greene county (where southwest Missouri's largest metropolitan area of Springfield is located), 58% of voters opposed the riverboat casinos. Finally, in Newton county (the home of Seneca, Missouri, where a Tribe once sought to impose a casino on the local residents), 62% of voters opposed the constitutional amendment.

Knowing the strength of these communities' opinions on gambling in general, the sponsors of the initiative petition drive had no real alternative but to leave the general gambling prohibition intact while carving out a very narrow geographic exception for Missouri's two major rivers. Otherwise, the initiative would almost certainly have failed statewide as well. Therefore, the constitutional amendment reassured southwest Missourians that they likely would not feel the change directly—it would affect only the two rivers far away from them, and would not bring casinos into the family oriented Branson and Springfield areas. The general constitutional prohibition on gambling stayed in force.

The limited exception for riverboat casinos, therefore, did not change the State's posture on gambling from a criminal/prohibitory one to a civil/regulatory one. In areas such as the Branson, Missouri area, gambling is still a criminal offense. IGRA's requirement that the State negotiate to allow Tribally owned casinos is not triggered, since casino gambling in that area is not permitted by "any person, organization, or entity." As I mentioned earlier, that's the language IGRA uses to trigger a State's obligation to negotiate with the Tribes to create a regulatory compact.

Tribes wanting to operate casinos on the Missouri or Mississippi Rivers might have a case under IGRA, since there are persons, organizations, or entities authorized to gamble there. But this is not true in Branson, Springfield, or other areas off the rivers where gambling is still prohibited and where the General Assembly lacks constitutional authority to legalize it even if it wanted to.

This view of IGRA is not undermined, as some claim, by the Mashantucket Pequot case decided in 1990. In that case, the Mashantucket Pequots sued Connecticut to force the State to negotiate a casino gambling compact because the State authorized "Las Vegas

Nights" as a fundraising activity for certain nonprofit organizations. Connecticut had argued that the occasional Las Vegas Nights did not mean that the State had decriminalized gambling in general.

However, those nonprofits authorized to operate casinos, even on a very occasional basis, fall within the express language of "any person, organization, or entity" used in IGRA, which is what the Second Circuit Court of Appeals found. Allowing nonprofits to engage in some forms of casino gambling did move the State of Connecticut into a civil/regulatory stance on casino gambling. The State did not absolutely prohibit it; it regulated the type of organization permitted to engage in gambling. Thus, IGRA was triggered by the express language of the law.

This is completely different from the situation in Missouri, where all persons, organizations, and entities are flatly prohibited, by criminal law, from casino gambling anywhere but on the Missouri and Mississippi Rivers. The Mashantucket Pequot case does not apply to the Missouri situation. Geographic limitations, like in Missouri, were not at issue in that case.

Thus, the language of this bill does not really change the current policy of IGRA. It simply makes explicit what is already plainly implicit under current legislation and case law. It would take express notice of the provision in Missouri's constitution on gambling and recognize that Missouri still maintains a criminal/prohibitory stance toward gambling off the rivers.

Because some pro-gambling advocates are attempting to read the Mashantucket Pequot case too broadly, trying to make it apply to Missouri when it clearly does not, this bill is essential. In the past, a number of Tribes have tried to use that argument to try to set up casinos in Missouri—even in a small town like Seneca, nowhere near the Missouri or Mississippi Rivers. Because some people are trying to read into the Mashantucket Pequot case a view that is really not there, this bill writes into law the correct interpretation.

I appreciate the hard work my colleague in the other chamber did on this bill, and am glad to have the opportunity to resolve this issue once and for all.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1894. A bill to provide for the conveyance of certain land to Park County, Wyoming; to the Committee on Energy and Natural Resources.

NORTH CODY, WY LAND CONVEYANCE

Mr. THOMAS. Mr. President, I am pleased to introduce a bill today to provide for the conveyance of economic development land for Park County, WY.

The management of our public lands and natural resources is often complicated and requires the coordination of many individuals to accomplish desired objectives. When western folks

discuss Federal land issues, we do not often have an opportunity to identify proposals that capture and enjoy the support from a wide array of interests; however, the bill Senator ENZI and I are introducing today offers just such a unique prospect. Project coordinators and involved parties have spent a great deal of time incorporating the concerns of various individuals by presenting their plans to agency and congressional representatives.

This parcel of land was identified by the Bureau of Land Management and Bureau of Reclamation as an unsuitable area for public domain and the agencies have recommended that it be disposed of by the Federal Government. The Park County Commissioners subsequently approached the Wyoming Congressional Delegation about allowing the county to pursue economic development efforts that would be beneficial to the local town and surrounding communities. Specifically, this legislation is needed to allow the Federal Government to sell approximately 190 acres of land to Park County, WY for the appraised value of \$240,000. The county commissioners intend to work with an economic development group to attract new businesses to the area and allow other companies to expand at an industrial park adjacent to the conveyance land.

Mr. President, this bill enjoys the support of many different groups including county government officials as well as the local community. This proposal will provide for the creation of a number of private sector jobs in a county that has 82 percent Federal land ownership. It is my hope that the Senate will seize this opportunity to allow a local community to improve their livelihoods and economic prospects.

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. 1894

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

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

(a) FINDINGS.—Congress finds that—

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

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

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

(4) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraph (2).

(b) DEFINITIONS.—In this Act:

(1) COUNTY.—The term “County” means Park County, Wyoming.

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

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

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

Sixth Principal Meridian, Park County, Wyoming

T. 53 N., R. 101 W.	Acreage
Section 20, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.00
Section 29, Lot 7	9.91
Lot 9	38.24
Lot 10	31.29
Lot 12	5.78
Lot 13	8.64
Lot 1404
Lot 15	9.73
S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.00
Tract 101	13.24
Section 30, Lot 31	16.95
Lot 32	16.30

(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, and leasable oil and gas reserves.

(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND SPECIAL USE PERMITS.—The conveyance under subsection (c) shall be subject to any land use leases, easements, rights-of-way, and special use permits in existence as of the date of the conveyance.

(g) ENVIRONMENTAL LIABILITY.—

(I) LIABILITY OF THE FUTURE OWNERS.—

(A) FINDING.—Congress finds that—

(i) the United States has in good faith exercised due diligence in accordance with applicable laws (including regulations), in an effort to identify any environmental contamination on the parcel of land described in subsection (d); and

(ii) the parcel is free of any environmental contamination.

(B) RELEASE FROM LIABILITY.—The United States holds harmless and releases from all liability any future owners of the conveyed land for any violation of environmental law or other contamination problem arising from any action or inaction of any tenant of the land that vacates the lease before the date of the conveyance under subsection (c).

(2) LIABILITY OF TENANTS.—A tenant of the parcel of land described in subsection (d) on the date of the conveyance or thereafter shall be liable for any violation of environmental law or other contamination problem that results from any action or inaction of the tenant after the date of the conveyance.

(h) USE OF LAND.—The conveyance under subsection (c) shall be subject to the condition that the County—

(1) use the land for the promotion of economic development; or

(2) transfer the land to a local organization formed for the purpose of promoting economic development.

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

By Mr. LEAHY (for himself and Mr. BAUCUS):

S. 1896. A bill to amend the Public Building Act of 1959 to give first priority to the location of Federal facil-

ties in central business areas, and for other purposes; to the Committee on Environment and Public Works.

THE DOWNTOWN EQUITY ACT OF 1999

Mr. LEAHY. Mr. President, I am pleased to be joined today by my good friend, the senior senator from Montana, Senator BAUCUS, in introducing the ‘Downtown Equity Act of 1999.’

The location of federal buildings and facilities have a tremendous impact on local communities. We are introducing the “Downtown Equity Act” to ensure that the federal government is a good neighbor that promotes the vibrancy of communities throughout the country.

Guidance for federal agencies on the location of their facilities exists in two executive orders. Unfortunately, these directives are at times inconsistent with each other and have been used to support different goals. This became clear to me when I worked closely with the General Services Administration (GSA), the Immigration and Naturalization Service (INS) and the city of Burlington. In 1998, I called together a meeting with all these interested parties to discuss eligible locations for a new INS facility in downtown Burlington. Officials from the city cited one executive order about locating buildings in downtown areas while INS officials countered with another executive order that promotes the location of federal facilities in rural areas. Instead of complementing one another to promote a reasonable policy, the two executive orders are negating each other and clearly neither have enough teeth to result in the policy proclaimed in either order.

Mr. President, managing a city is a difficult enough task. Mayors and city managers across the country should not have to also wade through dueling executive orders when they share the same goals as the Administration to re-energize town centers. The federal government needs to set a clear policy on the location of federal buildings in downtown areas. Without legislation to clarify this policy, agencies make decisions about the location of buildings and operations that can undercut the viability of central business districts, encourage sprawl, degrade the environment, and have an adverse impact on historical economic development patterns. Federal facilities should be sited, designed, built and operated in ways that contribute to—not detract from—the economic well-being and character of our cities and towns. Federal facilities can have a tremendous impact and we need to make sure that location decisions do not erode the character and quality of life in our cities and towns. I want to prevent a repeat of the experiences in Vermont, and I know that Senator BAUCUS has many of the same concerns in Montana.

The Downtown Equity Act of 1999 clarifies the intention of these dueling executive orders by directing federal officials to give priority to locating federal facilities in central business

areas. This bill does not pit urban areas versus rural areas, but instead promotes the siting of these facilities in downtown areas—urban or rural. By adopting this legislation, the Federal government can become a leader in the effort to limit sprawl and support the economic vitality of central business areas.

There is a fundamental problem with development that our bill also tries to address: it's more expensive to build and rent in a traditional downtown area than to build on an empty site outside of a business district. Downtown areas have great difficulty competing in the procurement process because of the higher costs generally associated with downtown areas. Sometimes, despite the best intentions of federal officials, sites with the lowest absolute cost are predisposed to win. This approach is too simplistic. Our "Downtown Equity Act of 1999" directs the General Services Administration to study the feasibility of establishing a system for giving equal consideration to both the absolute and adjusted costs of locating in urban and rural areas, and between projects inside and outside of central business areas. While the absolute cost of projects will always be important, a more balanced and robust consideration of the costs of a project is needed.

The benefits of limiting sprawl, supporting historic development patterns, and revitalizing our downtown central business areas can mitigate the higher costs associated with constructing, leasing, and operating Federal establishments inside central business areas. Unless the overriding mission of the agency or economic prudence absolutely dictate otherwise, location of Federal facilities should be supportive of local growth management plans for downtown central business areas.

When Federal landlords or tenants arrive in town, we have every right to expect that they will be good neighbors. Beyond that, the Federal government also needs to be a leader in the effort to limit sprawl and protect the environment and the character of our cities and towns. Livable and thriving central business districts can be a renewable resource, and the Federal government should be part of the solution, not part of the problem.

Senator BAUCUS and I look forward to working with our colleagues and with the Executive Branch to bring much needed reform to the decision-making process that governs the siting of Federal facilities. We all recognize that decisions to prevent or limit sprawl will always be made locally, but the Federal Government can do much to help our communities act on their decisions. And, the Federal Government must stop being an unwitting accomplice to sprawl by siting buildings outside of downtown areas.

Mr. President, I ask unanimous consent that the text of the bill, and a section-by-section summary of the bill be printed in the RECORD.

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

S. 1896

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 "Downtown Equity Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that locating Federal facilities in central business areas—

(1) strengthens the economic base of cities, towns, and rural communities of the United States and makes them attractive places to live and work;

(2) enhances livability by limiting sprawl and providing air quality and other environmental benefits; and

(3) supports historic development patterns.

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

(1) to ensure that Federal agencies recognize the implications of the location of Federal facilities on the character, environment, economic development patterns, and infrastructure of communities;

(2) to ensure that the General Services Administration and other Federal agencies that make independent location decisions give first priority to locating Federal facilities in central business areas;

(3) to encourage preservation of historic buildings and stabilization of historic areas; and

(4) to direct the Administrator of General Services to study the feasibility of establishing a system for meaningful comparison of Federal facility procurement costs between central business areas and areas outside central business areas.

SEC. 3. LOCATION OF FEDERAL FACILITIES.

(a) IN GENERAL.—The Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by adding at the end the following:

"SEC. 22. LOCATION OF FEDERAL FACILITIES.

"(a) PRIORITY FOR CENTRAL BUSINESS AREAS.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and as otherwise provided by law, in locating (including relocating) Federal facilities, the head of each Federal agency shall give first priority to central business areas.

"(2) EXCEPTION.—The priority required under paragraph (1) may be waived if location in a central business area—

"(A) would materially compromise the mission of the agency; or

"(B) would not be economically prudent.

"(b) IMPLEMENTATION.—

"(I) ACTIONS BY ADMINISTRATOR.—The Administrator shall—

"(A) promulgate such regulations as are necessary to implement the requirements of subsection (a) with respect to locating Federal facilities—

"(i) in public buildings acquired under this Act; and

"(ii) in leased space acquired by the Administrator under section 210(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)); and

"(B) report annually to Congress—

"(i) on compliance with subsection (a) by the Administrator in carrying out—

"(I) public building location actions under this Act; and

"(II) lease procurement actions under section 210(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)); and

"(ii) on compliance with this section by Federal agencies—

"(I) in acting under delegations of authority under this Act; and

"(II) in the case of lease procurement actions, in using leasing authority delegated under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(2) ACTIONS BY FEDERAL AGENCIES.—Each Federal agency shall—

"(A) comply with the regulations promulgated by the Administrator under paragraph (1)(A); and

"(B) report annually to the Administrator concerning—

"(i) the actions of the Federal agency in locating public buildings under this Act; and

"(ii) lease procurement actions taken by the Federal agency using leasing authority delegated under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)."

(b) DEFINITIONS.—Section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) is amended by adding at the end the following:

"(8) CENTRAL BUSINESS AREA.—The term 'central business area' means—

"(A) the centralized business area of a community, as determined by local officials; and

"(B) any area adjacent and similar in character to a centralized business area of a community, including any specific area that may be determined by local officials to be such an adjacent and similar area.

"(9) FEDERAL FACILITY.—The term 'Federal facility' means the site of a project to construct, alter, purchase, or acquire (including lease) a public building, or to lease office or any other type of space, under this Act or the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)."

SEC. 4. STUDY OF PROCUREMENT COST ASSESSMENT METHODS.

(a) DEFINITIONS.—In this section, the terms "central business area" and "Federal facility" have the meanings given the terms in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612).

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Administrator of General Services shall conduct a study and report to Congress on the feasibility of establishing a system for—

(1) assessing and giving equal consideration to the absolute and adjusted comparable costs (as determined under paragraph (2)) of—

(A) locating Federal facilities in rural areas as compared to locating Federal facilities in urban areas;

(B) locating Federal facilities in central business areas of rural areas as compared to locating Federal facilities in rural areas outside central business areas; and

(C) locating Federal facilities in central business areas of urban areas as compared to locating Federal facilities in urban areas outside central business areas;

(2) for the purposes of paragraph (1), adjusting the absolute comparable costs referred to in that paragraph to correct for the inherent differences in property values between rural areas and urban areas; and

(3) assessing and giving consideration to the impacts on land use, air quality and other environmental factors, and to historic preservation, in the location of Federal facilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section \$200,000 for each of fiscal years 2001 and 2002.

SUMMARY OF THE DOWNTOWN EQUITY ACT OF 1999

The "Downtown Equity Act of 1999" clarifies a multitude of Federal laws and regulations governing the location of Federal office

space and other facilities by requiring that first priority be given to central business areas. Currently, the location of federal offices and other facilities is governed by several different laws and executive orders, which often creates confusion and conflict. For instance, current law gives a strong preference to locating Federal facilities in rural areas, while an Executive Order (No. 12072) promotes the location of Federal facilities in central business areas. These conflicting policies can have serious adverse consequences to communities, such as promoting sprawl and contributing to the decline of downtown areas.

The "Downtown Equity Act of 1999" seeks to eliminate this confusion by establishing a clear, statutory preference for locating Federal facilities in central business areas, both in rural and urban areas. Thus, Federal facilities will help strengthen the economic base of cities, towns and rural communities and make them more attractive places to live and work. Locating Federal facilities in downtown areas will also support historic development patterns, limit sprawl, and have other important environmental benefits.

The bill also requires the General Services Administration (GSA) to study the feasibility of establishing a procurement assessment system which considers both the absolute and adjusted costs of locating Federal facilities between central business areas and outside those areas.

SECTION-BY-SECTION ANALYSIS

Section 1. Title.

Section 2. Finding and Purposes

Section 3. Amends the Public Buildings Act of 1959 (40 USC 601 et seq.) to add a new section establishing a preference for locating Federal facilities in central business areas in both rural and urban areas. This preference could be waived if locating a facility in such area would either materially compromise the mission of the agency or would not be economically prudent. GSA is required to adopt rules to implement this provision and also to report annually to the Congress on the location of Federal agencies under this section. This section also defines "central business area" as the centralized business area determined by local officials.

Section 4. This section requires that within two years, the GSA conduct a study and report to Congress on the feasibility of establishing a system for comparing the absolute and adjusted costs of locating Federal facilities in rural areas as compared to urban areas and in central business areas as compared to outside central business areas. The bill authorizes a total of \$400,000 for the study.

Mr. BAUCUS. Mr. President, I am pleased to join with my colleague from Vermont, Senator LEAHY in introducing the Downtown Equity Act of 1999. This bill will make the federal government a better partner with local officials when it comes to locating federal offices in a community. It will establish in statute a clear preference for federal offices to be located in the central business areas of a community. Why is this important?

We all know the many problems facing community leaders as they chart the future course of their cities and towns. They must balance development patterns, employment, historic preservation, city services, transportation, and many other factors to arrive at a plan that makes the most sense for them.

In many cases, the Federal government is a major source of employment

and economic activity in these communities. That is particularly true in smaller cities and towns, where federal employees can make up a larger percentage of the employment base than in our large metropolitan areas.

But too often, local officials find themselves battling with federal agencies over where to locate, or relocate, Federal facilities. The desires of agencies to locate on the outskirts of a small town can conflict with the needs of the community to preserve a vital business center downtown.

I have seen firsthand some of these location battles in Montana. Communities such as Helena, Billings and Glasgow, have seen agencies threaten to move out of the downtown area, removing a linchpin of economic development that supports other local businesses. In another case, this time in Butte, an agency looked to abandon an historic building downtown in favor of a new site closer to the Interstate.

The impact on these communities from such actions can be devastating. In Helena, for example, the relocation of the federal building would have removed over 400 Federal workers from the area and dealt a major blow to plans to revive the downtown core, known as Last Chance Gulch. And in Glasgow, a small town even by Montana standards, the relocation from the central business area to a new site on the outskirts of town threatened the survival of other businesses downtown and contributed to sprawl. Yes, even in the Big Sky state, sprawl is a threat to the vitality of our communities and the beauty of our environment.

Many of these conflicts between communities and Federal agencies stems from the confusing, and sometimes conflicting, jumble of laws, executive orders, and regulations. It almost seems as if there is a provision to justify almost anything an agency wants to do. One law tells agencies to locate in rural areas. An executive order tells agencies to give priority to central business areas. No wonder agencies are confused and community leaders are angry.

Mr. President, that's not right. We should have a clear, simple to understand policy when it comes to location of Federal facilities. Furthermore, that policy should make it easier for the Federal government to help community leaders who seek to maintain the vitality of their downtown areas. And that is what our bill does.

First, as a matter of policy, it states that locating federal facilities in central business areas is good for the economy and the livability of communities.

But more importantly, the bill implements that policy by requiring that the head of each Federal agency give first priority to central business areas when locating, or relocating, Federal facilities. This requirement could be waived if it would materially compromise the mission of the agency or if it would not be economically prudent. But those would be exceptions to the

general rule that downtown areas should be the preferred area for Federal offices. And the downtown areas will be determined by local officials, not Federal agencies.

This bill will be good for our communities. And it will be good for the Federal government.

In closing let me express my appreciation to my colleague from Vermont for all the work that he has put into this issue. His leadership has been instrumental in crafting this bill. I look forward to working with him to bring this bill through the Environment and Public Works Committee and before the Senate early next year.

By Mr. BIDEN:

S. 1897. A bill to amend the Public Health Service Act to establish an Office of Autoimmune Disease at the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE NIH OFFICE OF AUTOIMMUNE DISEASES ACT OF 1999

• Mr. BIDEN. Mr. President, today I am introducing the NIH Office of Autoimmune Diseases Act of 1999. This legislation, which is very similar to a bill introduced in the House of Representatives by Congressman Waxman, would create an Office of Autoimmune Diseases as part of the Office of the Director of the National Institutes of Health. I would like to outline briefly why I feel that this office and this legislation are needed.

To understand autoimmune diseases, it is first necessary to talk about the body's immune system. The immune system is a collection of tissues which is designed to fend off any foreign invaders into our body. For example, we live in a world surrounded by microbes of various kinds, many of which would be harmful to us if they could set up shop in our bodies. However, the immune system recognizes that a foreign microbe has entered our body and it mobilizes a variety of defenses to expel this foreign invader.

The critical importance of the immune system can be easily seen when something goes wrong with it. For example, when a baby is born with a major defect in its immune system, it is extremely vulnerable to attacks by bacteria that a healthy baby would be able to fight off. Such immune-deficient babies need to be protected from their environment in order to preserve their lives. You may have seen the TV programs about such "bubble babies", who have to spend their entire lives in a protective plastic bubble or a spacesuit.

However, although the immune system is essential for human life, it sometimes can cause problems with our health. When someone gets a kidney transplant, for example, it is the immune system which tries to fight off this "foreign invader", a process called rejection. The survival of the transplant requires that the recipient be

given treatment in order to suppress the immune system.

Occasionally, the body's immune system goes haywire and starts to attack the body's own tissues as if they were foreign invaders. This process is called autoimmunity, and diseases in which autoimmunity is thought to play an important role are called autoimmune diseases. The spectrum of human illnesses for which there is evidence of an autoimmune component is extremely broad, ranging from lupus to diabetes to multiple sclerosis. At the National Institutes of Health, these different diseases are often studied in completely different institutes: diabetes in the National Institute of Diabetes and Digestive and Kidney Diseases; lupus in the National Institute of Allergy and Infectious Diseases; multiple sclerosis in the National Institute of Neurological Disorders and Stroke; and so forth.

Despite being studied in different locations, these diseases all have one thing in common: abnormalities of the immune system that lead to an autoimmune process in which the body actually attacks itself. It is vital that researchers on one autoimmune disease understand what research advances are being made on other autoimmune diseases; the key to understanding the autoimmune process in multiple sclerosis might very well be uncovered by a researcher working on autoimmunity in diabetes.

This is where the need for an NIH Office of Autoimmune Diseases arises. Its purpose is to make sure that there is cooperation and coordination across scientific disciplines for all those working on the broad spectrum of autoimmune diseases. Researchers working on autoimmunity in one narrowly defined disease must be able to benefit from research advances in autoimmune research. The history of medicine is replete with examples where breakthroughs in one area were actually a direct consequence of advances in a completely unrelated field.

This bill sets up an Office of Autoimmune Diseases at NIH, along with a broadly representative coordinating committee to assist it. The director of the Office of Autoimmune Diseases will be responsible for setting an agenda for research and education on autoimmune diseases, for promoting cooperation and coordination among the disparate entities that are working on autoimmune diseases, for serving as principal advisor to HHS on autoimmune diseases, for husbanding resources for autoimmune disease research, and for producing reports to keep other scientists and the public informed about progress in autoimmune disease research.

Mr. President, I'd like to explain why I have a particular interest in the area of autoimmune diseases. A very close friend of mine in Delaware, Ms. Tia McDowell, is fighting valiantly against a chronic disease. At present, the treatments for this disease no longer

seem to be working very well, so Tia's hope lies in new research advances. Although doctors are not sure what causes Tia's disease, they do think that autoimmunity plays an important part. For Tia, and for others with diseases where autoimmunity is important, I want to make sure that we are moving ahead with research in the most efficient manner possible, and I think that creation of an NIH Office of Autoimmune Diseases is one way to help this process along.

Mr. President, I urge my colleagues to support the NIH Office of Autoimmune Diseases Act of 1999 as something we in Congress can do to help our research scientists conquer this puzzling and pernicious group of diseases. I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1897

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 "NIH Office of Autoimmune Diseases Act of 1999".

SEC. 2. ESTABLISHMENT OF OFFICE OF AUTOIMMUNE DISEASES AT NATIONAL INSTITUTES OF HEALTH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by inserting after section 404D the following section:

"**AUTOIMMUNE DISEASES**

"**SEC. 404E. (a) ESTABLISHMENT.**—There is established within the Office of the Director of NIH an office to be known as the Office of Autoimmune Diseases (in this section referred to as the 'Office'), which shall be headed by a Director appointed by the Director of NIH.

"**(b) DUTIES.**—

"**(1) IN GENERAL.**—The Director of the Office, in consultation with the coordinating committee established under subsection (c), shall carry out the following:

"**(A)** The Director shall recommend an agenda for conducting and supporting research on autoimmune diseases through the national research institutes. The agenda shall provide for a broad range of research and education activities relating to biomedical, psychosocial, and rehabilitative issues, including studies of the disproportionate impact of such diseases on women.

"**(B)** The Director shall with respect to autoimmune diseases promote coordination and cooperation among the national research institutes and entities whose research is supported by such institutes.

"**(C)** The Director shall promote the appropriate allocation of the resources of the National Institutes of Health for conducting and supporting research on autoimmune diseases.

"**(D)** The Director shall annually prepare a report that describes the research and education activities on autoimmune diseases being conducted or supported through the national research institutes, and that identifies particular projects or types of projects that should in the future be conducted or supported by the national research institutes or other entities in the field of research on autoimmune diseases.

"**(2) PRINCIPAL ADVISOR REGARDING AUTOIMMUNE DISEASES.**—With respect to autoimmune diseases, the Director of the Office shall serve as the principal advisor to the Secretary, the Assistant Secretary for Health, and the Director of NIH, and shall provide advice to the Director of the Centers

for Disease Control and Prevention, the Commissioner of Food and Drugs, and other relevant agencies.

"**(c) COORDINATING COMMITTEE.**—The Director of NIH shall ensure that there is in operation a committee to assist the Director of the Office in carrying out subsection (b), that the committee is designated as the Autoimmune Diseases Coordinating Committee, and that, to the extent possible, such Coordinating Committee includes liaison members from other Federal health agencies, including the Centers for Disease Control and Prevention and the Food and Drug Administration.

"**(d) REPORT.**—Not later than October 1, 2001, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report concerning the effectiveness of the Office in promoting advancements in research, diagnosis, treatment, and prevention related to autoimmune diseases.

"**(e) DEFINITION.**—For purposes of this section, the term 'autoimmune diseases' includes diseases or disorders in which autoimmunity is thought to play a significant pathogenetic role, as determined by the Secretary..

"**(f) AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$950,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002."•

ADDITIONAL COSPONSORS

S. 188

At the request of Mr. WYDEN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 188, a bill to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements.

S. 505

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 505, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 783

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 783, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 964

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 964, a bill to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

S. 1215

At the request of Mr. DODD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from Missouri