EC–2878. A communication from the Assistant Secretary for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Child Support Enforcement Program; Grants to States for Access and Visitation Programs: Monitoring, Evaluation, and Reporting'' (RIN0970–AB72); to the Committee on Finance.

EC–2879. A communication from the Chief, Regulations Unit, Office of Chief Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice of Significant Reduction in the Rate of Future Benefit Accrual'' (RIN1545–AT78), received on April 22, 1999; to the Committee on Finance.

EC–2880. A communication from the Chief, Regulations Unit, Office of Chief Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement 99–40'', received on April 6, 1999; to the Committee on Finance.

EC–2881. A communication from the Chief, Regulations Unit, Office of Chief Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 99–18'', received on April 9, 1999; to the Committee on Finance.

EC–2882. A communication from the Chief, Regulations Unit, Office of Chief Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 99–18'', received on April 6, 1999; to the Committee on Finance.

EC–2883. A communication from the Chief, Regulations Unit, Office of Chief Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 99–23'', received on April 6, 1999; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. MCCAIN, for the Committee on Commerce, Science, and Transportation:

The following named officer for appointment as Commander, Atlantic Area, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. John E. Shkor, 0602

Captain Evelyn J. Fields, NOAA for appointment to the grade of Rear Admiral (O–8), while serving in a position of importance and responsibility as Director, Office of NOAA Corp Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 853u.

Captain Nicholas A. Prahl, NOAA for appointment to the grade of Rear Admiral (O–7), while serving in a position of importance and responsibility as Director, Atlantic and Pacific Marine Centers, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 853u.

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

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably the following nomination lists which were printed in the RECORDS of March 8, 1999 and April 15, 1999, at the end of the Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of James W. Bartlett, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 1999.

Coast Guard nomination beginning William L. Chaney, and ending William E. Shea, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 1999.

Coast Guard nomination beginning Ashley B. Aclin, and ending Michael J. Zeruto, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 15, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. KERRY, Mr. INOUYE, Mr. BREAUX, Mr. KENNEDY, Mrs. BOXER, Mr. BIDEN, Mr. LAUTENBERG, Mr. AKAKA, Mr. MURKOWSKI, Mr. THURMOND, Mrs. MURRAY, Mr. CLELAND, and Mr. WYDEN):

S. 959. A bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 960. A bill to amend the Older Americans Act of 1965 to establish pension counseling programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS (for himself, Mr. CRAIG, Mr. BAUCUS, Mr. DASCHLE, Mr. KERREY, and Mr. JOHNSON):

S. 961. A bill to amend the Consolidated Farm And Rural Development Act to improve shared appreciation arrangements; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 962. A bill to allow a deduction from gross income for year 2000 computer conversion costs of small businesses; to the Committee on Finance.

By Mr. GREGG:

S. 963. A bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE:

S. 964. A bill to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. JEFFORDS (for himself, Ms. SNOWE, Mr. LEAHY, Mrs. MURRAY, and Mr. DURBIN):

S. 965. A bill to restore a United States voluntary contribution to the United Nations Population Fund; to the Committee on Foreign Relations.

By Mr. REID:

S. 966. A bill to require medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice, to protect employees of medicare providers who report concerns about the safety and quality of services provided by medicare providers or who report violations of Federal or State law by those providers, and to require review of the impact on public health and safety of proposed mergers and acquisitions of medicare providers; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 967. A bill to provide a uniform national standard to ensure that consealed firearms are available only to authorized persons for lawful purposes; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. CLELAND, Mrs. LINCOLN, and Mr. ROBB):

S. 968. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development, for the purposes of maximizing the available water supply and protecting the environment through the development of alternative water sources, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ASHCROFT:

S. 969. A bill to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have weapons or threaten to harm others, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. REED, Mr. HARKIN, Mr. MCCONNELL, Mr. MOYNIHAN, and Mr. KOHL):

S. Res. 96. A resolution expressing the sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes; to the Committee on Foreign Relations.

By Mr. COVERDELL (for himself, Mr. FRIST, Mr. GORTON, Mr. LOTT, Mr. JEFFORDS, Mr. ABRAHAM, Mr. CRAIG, Mr. DOMENICI, Mr. COCHRAN, Mr. MACK, Mr. SMITH of Oregon, Ms. COLLINS, Mr. HATCH, Mr. LUGAR, Ms. SNOWE, Mr. GRAMS, Mr. CRAPO, Mr. KENNEDY, and Mr. WELLSTONE):

S. Res. 97. A resolution designating the week of May 2 through 8, 1999, as the 14th Annual Teacher Appreciation Week, and designating Tuesday, May 4, 1999, as National Teacher Day; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. KERRY, Mr. INOUYE, Mr. BREAUX, Mr. KENNEDY, Mrs. BOXER, Mr. BIDEN, Mr. LAUTENBERG, Mr. AKAKA, Mr. MURKOWSKI, Mr. THURMOND, Mrs. MURRAY, Mr. CLELAND, and Mr. WYDEN):

S. 959. A bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE OCEANS ACT OF 1999

Mr. HOLLINGS. Mr. President, I rise today to introduce the Oceans Act of

1999, legislation that the Senate unanimously passed in November 1997. I am pleased to be joined in this endeavor by Senators STEVENS, KERRY, BREAUX, INOUYE, KENNEDY, BOXER, BIDEN, LAUTENBERG, AKAKA, MURKOWSKI, THURMOND, MURRAY, CLELAND, and WYDEN. Mr. President, plainly and simply, this bill calls for a plan of action for the twenty-first century to explore, protect, and use our oceans and coasts through the coming millennium.

This is not the first time we have faced the need for a national ocean policy. Three decades ago, our Nation roared into space, investing tens of billions of dollars to investigate the moon and the Sea of Tranquility. During that golden era of science, some of us also recognized the importance of exploring the seas on our own planet. In 1966, Congress enacted the Marine Resources and Engineering Development Act in order to define national objectives and programs with respect to the oceans. That legislation laid the foundation for U.S. ocean and coastal policy and programs and has guided their development for three decades. I was elected to the Senate just three months after the 1966 Act was enacted into law, but I am pleased that both Senators INOUYE and KENNEDY, the two cosponsors of the 1966 Act still serving in the Senate, have agreed to join me today in introducing the Oceans Act.

One of the central elements of the 1966 Act was establishment of a presidential commission to develop a plan for national action in the oceans and atmosphere. Dr. Julius A. Stratton, a former president of the Massachusetts Institute of Technology and then-chairman of the Ford Foundation, led the Commission on an unprecedented, and since unrepeated, investigation of this nation's relationship with the oceans and the atmosphere. The Stratton Commission and its congressional advisors (including Senators Warren G. Magnuson and Norris Cotton) worked together in a bipartisan fashion. In fact, the Commission was established and carried out its mandate in the Democratic Administration of Lyndon Johnson and saw its findings implemented by the Republicans under President Richard Nixon. With a staff of 35 people, the commissioners hear and consulted over 1,000 people, visited every coastal area of this country, and submitted some 126 recommendations in a 1969 report to Congress entitled Our Nation and the Sea. Those recommendations led directly to the creation of the National Oceanic and Atmospheric Administration in 1970, laid the groundwork for enactment of the Coastal Zone Management Act (CZMA) in 1972, and established priorities for federal ocean activities that have guided this Nation for almost thirty years.

While the Stratton Commission performed its job with vision and integrity, the world has changed since 1966. Today, half of the U.S. population lives within 50 miles of our shores and more than 30 percent of the Gross Domestic Product is generated in the coastal zone. Ocean and coastal resources once considered inexhaustible are severely depleted, and wetlands and other marine habitats are threatened by pollution and human activities. In addition, the U.S. regulatory and legal framework has developed over the years with the passage of a number of statutes in addition to CZMA. These include the Endangered Species Act, the Marine Mammal Protection Act, the Marine Protection, Research, and Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Coastal Barrier Resources Act, and the Oil Pollution Act. It is time to conduct a review that looks at coordination and duplication of programs and policies developed under these laws.

Today people who work and live on the water face a patchwork of confusing and sometimes contradictory federal and state regulations. This bill would allow us to reduce conflicts while maintaining environmental and health safeguards. One illustration of the type of situation that must be corrected is the southeast shrimp trawl fishery. Shrimpers are required under the Endangered Species Act to use panels or grates (known as turtle excluder devices or TEDs) in their nets to protect endangered sea turtles. The panels also reduce catches of small fish (bycatch), a new requirement of the Magnuson-Stevens Act. Unfortunately, however, the government has approved one TED for turtle protection and another for bycatch reduction—forcing the fishermen to use two separate devices, cut two holes in their nets, and double their shrimp loss. Anyone who wonders about public interest in regulatory reform has only to talk to a McClellanville, SC shrimper.

The Oceans Act is vital to the continued health of the oceans and prosperity of our coasts. It is patterned after and would replace the 1966 Act. Like that Act, it is comprised of three major elements:

First, the bill calls for development and implementation of a coherent national ocean and coastal policy to conserve and sustainably use fisheries and other ocean and coastal resources, protect the marine environment and human safety, explore ocean frontiers, create marine technologies and economic opportunities, and preserve U.S. leadership on ocean and coastal issues.

Second, the bill would establish a 16-member Commission, similar to the Stratton Commission, to examine ocean and coastal activities and report within 18 months on recommendations for a national policy. Commission members would be drawn from State and local governments, industry, academic and technical institutions, and public interest organizations involved in ocean and coastal activities. In developing its recommendations, the Commission would assess federal programs and funding priorities, ocean-related infrastructure requirements, conflicts among marine users, and technological opportunities. The bill authorizes appropriations of $6 million over two years to support Commission activities; last year's Omnibus Appropriations bill included $3.5 million to fund such a Commission.

Third, the bill would create a high-level federal interagency Council that would include the heads of the Departments of Commerce, Navy, State, Transportation, and the Interior, the Environmental Protection Agency, the National Science Foundation, the Office of Science and Technology Policy, the Office of Management and Budget, the Council on Environmental Quality, and the National Economic Council. This Council would advise the President and serve as a forum for developing and implementing an ocean and coastal policy, provide for coordination of federal budgets and programs, and work with non-federal and international organizations.

By establishing an action plan for ocean and coastal activities, the Oceans Act should also contribute substantially to national goals and objectives in the areas of education and research, economic development, and public safety. With respect to education and research, our view of the oceans thirty years ago was based on a remarkably small amount of information. When Jack Kennedy was in the White House, we were just beginning to develop the capability for exploring the oceans, and the driving factor was the military need to hide our submarines from the Soviets during the Cold War. What we knew of the oceans at that time was based as much on what fishermen brought up in their nets as it was on reliable scientific investigation.

Nowhere is the need for U.S. leadership more evident than in the area of ocean exploration. Today, we still have explored only a tiny fraction of the sea, but with the use of new technologies what we have found is truly incredible. For example, hydrothermal vents, hot water geysers on the deep ocean floor, were discovered just 20 years ago by oceanographers trying to understand the formation of the earth's crust. Now this discovery had led to the identification of nearly 300 new types of marine animals with untold pharmaceutical and biomedical potential. In recent years, scientists from 19 nations have joined in an international partnership, headed by Admiral Watkins, to explore the history and structure of the Earth beneath the oceans basins. Their ship, the Resolution, is the world's largest scientific research vessel and can drill in water depths of up 8,200 meters. Over the past 12 years, it has recovered more than 115 miles of core samples through the world oceans. Recently ship scientists worked off the coast of South Carolina collecting new evidence of a large meteor that struck the Earth 65 million years ago, and is thought to have triggered climate change that may be linked to the disappearance of the dinosaurs.

Many of our marine research efforts could have profound impacts on our

economic well-being. For example, research on coastal ocean currents and other processes that affect shoreline erosion is critical to effective management of the shoreline. Oceanographers are working with federal, state, and local managers to use this new understanding in protecting beachfront property and the lives of those who reside and work in coastal communities. Development of underwater cameras and sonar, begun in the 1940s for the U.S. Navy, has led to major strides not only for military uses, but for marine archaeologists and scientists exploring unknown stretches of sea floor. Consumers have benefited from the technology now used in video cameras. Sonar has broad applications in both the military and commercial sector.

Finally, marine biotechnology research is thought to be one of the greatest remaining technological and industrial frontiers. Among the opportunities which it may offer are to: restore and protect marine ecosystems; monitor human health and treat disease; increase food supplies through aquaculture; enhance seafood safety and quality; provide new types and sources of industrial materials and processes; and understand biological and geochemical processes in the world ocean.

In addition to the economic opportunities offered by our marine research investment, traditional marine activities play an important role in our national economic outlook. Ninety-five percent of our international trade is shipped on the ocean. In 1996, commercial fishermen in the United States landed almost 10 billion pounds of fish with a value of $3.5 billion. Their fishing-related activities contributed over $42 billion to the U.S. economy. During the same period, marine anglers contributed another $20 billion. Travel and tourism also contribute over $700 billion to our economy, much of which is generated in coastal areas. With a sound national ocean and coastal policy and effective marine resource management, these numbers have nowhere to go but up.

With respect to public safety, it is particularly important to develop ocean and coastal priorities that reflect the changes we have seen in recent years. Before World War II, most of the U.S. shoreline was sparsely populated. There were long, wild stretches of coast, dotted with an occasional port city, fishing village, or sleepy resort. Most barrier islands had few residents or were uninhabited. After the war, people began pouring in, and coastal development began a period of explosive growth. In my state of South Carolina, our beaches attract millions of visitors every year, and more and more people are choosing to move to the coast—making the coastal counties the fastest growing ones in the state. Seventeen of the twenty fastest growing states in the nation are coastal states—which compounds the situation that the most densely populated regions already border the ocean. With population growth comes the demand for highways, shopping centers, schools, and sewers that permanently alter the landscape. If people are to continue to live and work on the coast, we must do a better job of planning how we impact the very regions in which we all want to live.

There is no better example of how our ocean and coastal policies affect public safety, than to look at the effects of hurricanes. Throughout the 1920s, hurricanes killed 2,122 Americans while causing about $1.8 billion in property damages. By contrast, in the first five years of the 1990s, hurricanes killed 111 Americans, and resulted in damages of about $35 billion. While we have made notable advances in early warning and evacuation systems to protect human lives, the risk of property loss continues to escalate and coastal inhabitants are more vulnerable to major storms than they ever have been. In 1989, Hurricane Hugo came ashore in South Carolina, leaving more than $6 billion in damages. Of that total from Hugo, the federal government paid out more than $2.8 billion in disaster assistance and more than $400 million from the National Flood Insurance Program. The payments from private insurance companies were equally staggering. In 1992, Hurricane Andrew struck southern Florida and slammed into low lying areas of Louisiana, forever changing the lives of more than a quarter of a million people and causing an estimated $25 to $30 billion dollars in damage. Hurricanes demonstrate that the human desire to live near the ocean and along the coast comes with both a responsibility and a cost.

The oceans are part of our culture, part of our heritage, part of our economy, and part of our future. Those who doubt the need for this legislation need only pick up a newspaper and they will be face to face with pressing ocean and coastal issues. And while our coastal waters are governed by the United States or all of us, beyond our waters progress relies primarily on international cooperation. There are no boundaries at sea, no national borders with fences and checkpoints. Deciding how to manage all these problems and use the seas is one of the most complicated tasks we can tackle.

Therefore, we need to be smart about ocean policy—we need the best minds to come together and take a look at what the real challenges are. It is not enough to sit back and assume the role of caretakers. We must be proactive and develop a plan for the future.

The United Nations declared 1998 to the be the Year of the Ocean in part to encourage governments and the pubic to pay adequate attention to the need to protect the marine environment and to ensure a healthy ocean. This is an unprecedented opportunity to follow up the Year of the Ocean activities by celebrating and enhancing what has been accomplished in understanding and managing our oceans.

The Stratton Commission stated in 1969: ''How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live.'' Those words are as true today as they were 30 years ago.

Mr. President, it is time to look towards the next 30 years. This bill offers us the vision and understanding needed to establish sound ocean and coastal policies for the 21st century, and I thank the cosponsors of the legislation for joining with me in recognizing it significance. We look forward to working together in the bipartisan spirit of the Stratton Commission to enact legislation that ensures the development of an integrated national ocean and coastal policy well into the next millennium. 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. 959

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 ''Oceans Act of 1999''.

SEC. 2. CONGRESSIONAL FINDINGS; PURPOSE AND OBJECTIVES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Covering more than two-thirds of the Earth's surface, the oceans and Great Lakes play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth's biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier to scientific exploration, are critical to national security, and provide a vital means of transportation. The coasts, transition between land and open ocean, are regions of remarkable high biological productivity, contribute more than 30 percent of the Gross Domestic Product, and are of considerable importance for recreation, waste disposal, and mineral exploration.

(2) Ocean and coastal resources are susceptible to change as a direct and indirect result of human activities, and such changes can significantly impact the ability of the oceans and Great Lakes to provide the benefits upon which the Nation depends. Changes in ocean and coastal processes could affect global patterns, marine productivity and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean and coastal resources are not infinite, and human pressure on them is increasing. One half of the Nation's population lives within 50 miles of the coast, ocean and coastal resources once considered inexhaustible are not threatened with depletion, and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase further as will vulnerability to coastal hazards.

(4) Marine transportation is key to United States participation in the global economy and to the wide range of activities carried

out in ocean and coastal regions. Inland waterway and ports are the link between marine activities in ocean and coastal regions and the supporting transportation infrastructure ashore. International trade is expected to triple by 2020. The increase has the potential to outgrow—

(A) the capabilities of the marine transportation system to ensure safety; and

(B) the existing capacity of ports and waterways.

(5) Marine technologies hold tremendous promise for expanding the range and increasing the utility of products from the oceans and Great Lakes, improving the stewardship of ocean and coastal resources, and contributing to business and manufacturing innovations and the creation of new jobs.

(6) Research has uncovered the link between oceanic and atmospheric processes and improved understanding of world climate patterns and forecasts. Important new advances, including availability of military technology have made feasible the exploration of large areas of the ocean which were inaccessible several years ago. In designating 1998 as ''The Year of the Ocean'', the United Nations high-lighted the value of increasing our knowledge of the oceans.

(7) It has been more than 30 years since the Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission) conducted a comprehensive examination of ocean and coastal activities that led to enactment of major legislation and the establishment of key oceanic and atmospheric institutions.

(8) A review of existing activities is essential to respond to the changes that have occurred over the past three decades and to develop an effective new policy for the twenty-first century to conserve and use, in a sustainable manner, ocean and coastal resources, protect the marine environment, explore ocean frontiers, protect human safety, and create marine technologies and economic opportunities.

(9) Changes in United States laws and policies since the Stratton Commission, such as the enactment of the Coastal Zone Management Act, have increased the role of the States in the management of ocean and coastal resources.

(10) While significant Federal and State ocean and coastal programs are underway, those Federal programs would benefit from a coherent national ocean and coastal policy that reflects the need for cost-effective allocation of fiscal resources, improved interagency coordination, and strengthened partnerships with State, private, and international entities engaged in ocean and coastal activities.

(b) PURPOSE AND OBJECTIVES.—The purpose of this Act is to develop and maintain, consistent with the obligations of the United States under international law, a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting the following objectives:

(1) The protection of life and property against natural and manmade hazards.

(2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources.

(3) The protection of the marine environment and prevention of marine pollution.

(4) The enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources.

(5) The expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advance of education and training in fields related to ocean and coastal activities.

(6) The continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities.

(7) Close cooperation among all government agencies and departments to ensure—

(A) coherent regulation of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities; and

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities.

(8) The enhancement of partnerships with State and local governments with respect to oceans and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level.

(9) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term ''Commission'' means the Commission on Ocean Policy.

(2) The term ''Council'' means the National Ocean Council.

(3) The term ''marine environment'' includes—

(A) the oceans, including coastal and offshore waters and the adjacent shore lands;

(B) the continental shelf;

(C) the Great Lakes; and

(D) the ocean and coastal resources thereof.

(4) The term ''ocean and coastal activities'' includes activities related to oceanography, fisheries and other ocean and coastal resource stewardship and use, marine aquaculture, energy and mineral resource extraction, marine transportation, recreation and tourism, waste management, pollution mitigation and prevention, and natural hazard reduction.

(5) The term ''ocean and coastal resource'' means, with respect to the oceans, coasts, and Great Lakes, any living or non-living natural resource (including all forms of animal and plant life found in the marine environment, habitat, biodiversity, water quality, minerals, oil, and gas) and any significant historic, cultural or aesthetic resource.

(6) The term ''oceanography'' means scientific exploration, including marine scientific research, engineering, mapping, surveying, monitoring, assessment, and information management, of the oceans, coasts, and Great Lakes—

(A) to describe and advance understanding of—

(i) the role of the oceans, coasts and Great Lakes in weather and climate, natural hazards, and the processes that regulate the marine environment; and

(ii) the manner in which such role, processes, and environment are affected by human actions;

(B) for the conservation, management and stewardship of living and nonliving resources; and

(C) to develop and implement new technologies related to the environmentally sensitive use of the marine environment.

SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.

(a) EXECUTIVE RESPONSIBILITIES.—The President, with the assistance of the Council and the advice of the Commission, shall—

(1) develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities consistent with obligations of the United States under international law; and

(2) with regard to Federal agencies and departments—

(A) review significant ocean and coastal activities, including plans, priorities, accomplishments, and infrastructure requirements;

(B) plan and implement an integrated and cost-effective program of ocean and coastal activities including, but not limited to, oceanography, stewardship of ocean and coastal resources, protection of the marine environment, maritime transportation safety and efficiency, marine recreation and tourism, and marine aspects of weather, climate, and natural hazards;

(C) designate responsibility for funding and conducting ocean and coastal activities; and

(D) ensure cooperation and resolve differences arising from laws and regulations applicable to ocean and coastal activities which result in conflicts among participants in such activities.

(b) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President may use such staff, interagency, and advisory arrangements as the President finds necessary and appropriate and shall consult with non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. NATIONAL OCEAN COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a National Ocean Council and appoint a Chairman from among it members. The Council shall consist of—

(1) the Secretary of Commerce;

(2) the Secretary of Defense;

(3) the Secretary of State;

(4) the Secretary of Transportation;

(5) the Secretary of the Interior;

(6) the Attorney General;

(7) the Administrator of the Environmental Protection Agency;

(8) the Director of the National Science Foundation;

(9) the Director of the Office of Science and Technology Policy;

(10) the Chairman of the Council on Environmental Quality;

(11) the Chairman of the National Economic Council;

(12) the Director of the Office of Management and Budget; and

(13) such other Federal officers and officials as the President considers appropriate.

(b) ADMINISTRATION.—

(1) The President or the Chairman of the Council may from time to time designate one of the members of the Council to preside over meetings of the Council during the absence or unavailability of such Chairman.

(2) Each member of the Council may designate an officer of his or her agency or department appointed with the advice and consent of the Senate to serve on the Council as an alternate in the event of the unavoidable absence of such member.

(3) An executive secretary shall be appointed by the Chairman of the Council, with the approval of the Council. The executive secretary shall be a permanent employee of one of the agencies or departments represented on the Council and shall remain in the employ of such agency or department.

(4) For the purpose of carrying out the functions of the Council, each Federal agency or department represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

(A) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(5) The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(c) FUNCTIONS.—The Council shall—

(1) assist the Commission in completing its report under section 6;

(2) serve as the forum for developing an implementation plan for a national ocean and coastal policy and program, taking into consideration the Commission report;

(3) improve coordination and cooperation, and eliminate duplication, among Federal agencies and departments with respect to ocean and coastal activities; and

(4) assist the Presdient in the preparation of the first report required by section 7(a).

(d) SUNSET.—The Council shall cease to exist one year after the Commission has submitted its final report under section 6(h).

(e) SAVINGS PROVISION.—

(1) Council activities are not intended to supersede or interfere with other Executive Branch mechanisms and responsibilities.

(2) Nothing in this Act has any effect on the authority or responsbility of any Federal officer or agency under any other Federal law.

SEC. 6. COMMISSION ON OCEAN POLICY.

(A) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall, within 90 days after the enactment of this Act, establish a Commission on Ocean Policy. The Commission shall be composed of 16 members including individuals drawn from State and local governments, industry, academic and technical institutions, and public interest organizations involved with ocean and coastal activities. Members shall be appointed for the life of the Commission as follows:

(A) 4 shall be appointed by the President of the United States.

(B) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(C) 4 shall be appointed by the President chosen from a list of 8 proposed members submitted by the Speaker of the House of Representatives in consultation with the Chairman of the House Committee on Resources.

(D) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(E) 2 shall be appointed by the President chosen from a list of 4 proposed members submitted by the Minority Leader of the House in consultation with the Ranking Member of the House Committee on Resources.

(2) FIRST MEETING.—The Commission shall hold its first meeting within 30 days after it is established.

(3) CHAIRMAN.—The President shall select a Chairman from among such 16 members. Before selecting the Chairman, the President is requested to consult with the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(4) ADVISORY MEMBERS.—In addition, the Commission shall have 4 Members of Congress, who shall serve as advisory members. One of the advisory members shall be appointed by the Speaker of the House of Representatives. One of the advisory members shall be appointed by the minority leader of the House of Representatives. One of the advisory members shall be appointed by the majority leader of the Senate. One of the advisory members shall be appointed by the minority leader of the Senate. The advisory members shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

(b) FINDINGS AND RECOMMENDATIONS.—The Commission shall report to the President and the Congress on a comprehensive national ocean and coastal policy to carry out the purpose and objectives of this Act. In developing the findings and recommendations of the report, the Commission shall—

(1) review and suggest any necessary modifications to United States laws, regulations, and practices necessary to define and implement such policy, consistent with the obligations of the United States under international law;

(2) assess the condition and adequacy of investment in existing and planned facilities and equipment associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate technologies and platforms;

(3) review existing and planned ocean and coastal activities of Federal agencies and departments, assess the contribution of such activities to development of an integrated long-range program for oceanography, ocean and coastal resource management, and protection of the marine environment, and identify any such activities in need of reform to improve efficiency and effectiveness;

(4) examine and suggest mechanisms to address the interrelationships among ocean and coastal activities, the legal and regulatory framework in which they occur, and their inter-connected and cumulative effects on the marine environment, ocean and coastal resources, and marine productivity and biodiversity;

(5) review the known and anticipated demands for ocean and coastal resources, including an examination of opportunities and limitations with respect to the use of ocean and coastal resources within the exclusive economic zone, projected impacts in coastal areas, and the adequacy of existing efforts to manage such use and minimize user conflicts;

(6) evaluate relationships among Federal, State, and local governments and the private sector for planning and carrying out ocean and coastal activities and address the most appropriate division of responsibility for such activities;

(7) identify opportunities for the development of or investment in new products, technologies, or markets that could contribute to the objectives of this Act;

(8) consider the relationship of the ocean and coastal policy of the United States to the United Nations Convention on the Law of the Sea and other international agreements, and actions available to the United States to effect collaborations between the United States and other nations, including the development of cooperative international programs for oceanography, protection of the marine environment, and ocean and coastal resource management; and

(9) engage in any other preparatory work deemed necessary to carry out the duties of the Commission pursuant to this Act.

(c) DUTIES OF CHAIRMAN.—In carrying out the provisions of this subsection, the Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(e) STAFF.—

(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) The executive director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for GS–15, step 7, of the General Schedule under section 5332 of such title.

(3) Upon request of the Chairman of the Commission, after consulting with the head of the Federal agency concerned, the head of any Federal Agency shall detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) The Commission may accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, a volunteer under this section may not be considered to be an employee of the United States for any purpose.

(5) To the extent that funds are available, and subject to such rules as may be prescribed by the Commission, the executive director of the Commission may procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United

States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statement on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(g) COOPERATION WITH OTHER FEDERAL ENTITIES.—

(1) The Commission is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act. Each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon the request of the Chairman of the Commission.

(2) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(3) The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(4) The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to sections 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) REPORT.—The Commission shall submit to the President, via the Council, and to the Congress not later than 18 months after the establishment of the Commission, a final report of its findings and recommendations. The Commission shall cease to exist 30 days after it has submitted its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission a total of up to $6,000,000 for fiscal years 2001 and 2002. Any sums appropriated shall remain available without fiscal year limitation until the Commission ceases to exist.

SEC. 7. REPORT AND BUDGET COORDINATION.

(a) BIENNIAL REPORT.—Beginning in January, 2000, the President shall transmit to the Congress biennially a report, which shall include—

(1) a comprehensive description of the ocean and coastal activities (and budgets) and related accomplishments of all agencies and departments of the United States during the preceding 2 fiscal years; and

(2) an evaluation of such activities (and budgets) and accomplishments in terms of the purpose and objectives of this Act. Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable.

(b) BUDGET COORDINATION.—

(1) Each year the President shall provide general guidance to each Federal agency or department involved in ocean or coastal activities with respect to the preparation of requests for appropriations.

(2) Each agency or department involved in such activities shall include with its annual request for appropriations a report which—

(A) identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities; and

(B) specifies how each such element contributes to the implementation of a national ocean and coastal policy.

SEC. 8. REPEAL OF 1966 STATUTE.

The Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1101 et seq.) is repealed.

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

S. 960. A bill to amend the Older Americans Act of 1965 to establish pension counseling programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PENSION ASSISTANCE AND COUNSELING ACT OF 1999

● Mr. GRASSLEY. Mr. President, today I rise to introduce legislation to achieve one of my primary objectives as chairman of the Special Committee on Aging: to help workers and retirees achieve a secure retirement.

As with any discussion about retirement planning, it is the norm to point to the ''three-legged stool'' of retirement—Social Security, personal savings, and a pension. Unfortunately, the legs of the stool may be getting warped.

This legislation is the result of a hearing held by the Aging Committee in the 105th Congress. The Aging Committee confronted an issue that is affecting hundreds of thousands of workers and retirees—miscalculation of their hard-earned pensions. This hearing was intended to raise consumer awareness about the need to be pro-active about policing your pension. As one of our witnesses said, ''never assume your pension is error-free.''

While it is impossible to know how many pension payments and lump sum distributions may be miscalculated, we know the number is on the rise. An audit conducted last Congress by the Pension Benefit Guaranty Corporation—focused on plans that were voluntarily terminated—showed that the number of people underpaid has increased from 2.8 to 8.2 percent. Anecdotal evidence suggests that the number of people receiving lump sum distributions who end up getting short-changed could be 15 to 20 percent. Those numbers are very disturbing. The practical impact is that retirees, and young and old workers alike, are losing dollars that they have earned.

Workers and retirees need to be aware that they are at risk. They can help themselves by knowing how their benefits are calculated, that they should keep all the documents their employer gives them, and to start asking questions at a young age—don't wait until the eve of retirement.

Unfortunately, policing your pension is not easy. Employers are trying to do a good job but they are confronted with one of the most complex regulatory schemes in the Federal Government. Pensions operate in a complex universe of laws, rules, and regulations. Over the last 20 years, 16 laws have been enacted that require employers to amend their pension plans and then notify their workers of changes. It is not a simple task. If employers have problems trying to comply with Federal requirements, it is understandable that workers and retirees are having trouble getting a grasp on how their pension works.

Trying to educate yourself about pensions implies that someone is out there providing information to those who need it. That is where the legislation that I am introducing today comes in. People who are concerned about their pensions—whether it's an unintentional mistake or outright fraud—often don't have anywhere to go for expert advice.

Fortunately, there is an answer. Already authorized by the Older Americans Act, seven pension counseling projects have assisted thousands of people around this country with their pension problems. These projects provide information and counseling to retirees, and young and old workers in a very cost-effective manner.

Each project received $75,000 of Federal assistance over a 17-month period. As is normal for other programs under the Older Americans Act, these dollars were supplemented by money raised from private sources. During their operation, the projects recovered nearly $2 million in pension benefits and payments. That is a return of $4 for every $1 spent.

My legislation contains three key provisions: first, it updates the Older Americans Act to encourage the creation of more pension counseling projects. While 10 projects in 15 states currently exist, they are not enough to reach the 80 million people who are covered by pensions in this country. Hopefully, more counseling projects can be established to provide more regionally comprehensive assistance.

Second, the legislation would create an 800 number that people could call for one-stop advice on where to get assistance. Jurisdiction over pension issues is spread across three government agencies—none of which are focused on helping individuals with individual problems—especially if the problem does not seem to be a clear fiduciary breach or indicate that there may be criminal wrongdoing. An 800 number linking people to assistance will help close that gap.

Finally, the legislation would transfer authority for the demonstration

projects to Title VII of the Older Americans Act in order to make them permanent in nature. They provide a much needed service to workers and retirees. These demonstration projects have existed since 1992 and have proven to be very successful. However, they have outgrown their pilot-project beginnings and should become a permanent fixture.

I want to thank Senator BREAUX for his support of this legislation. Furthermore, I encourage all of my colleagues to support these projects and show their support by co-sponsoring this legislation.●

By Mr. BURNS (for himself, Mr. CRAIG, Mr. BAUCUS, Mr. DASCHLE, Mr. KERREY, and Mr. JOHNSON):

S. 961. A bill to amend the Consolidated Farm and Rural Development Act to improve shared appreciation arrangements; to the Committee on Agriculture, Nutrition, and Forestry.

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT AMENDMENTS

Mr. BURNS. Mr. President, shared appreciation agreements have the potential to cause hundreds of farm foreclosures across the nation, and especially in my home state of Montana. Ten years ago, a large number of farmers signed these agreements. At that time they were under the impression that they would be required to pay these back at the end of ten years, at a reasonable rate of redemption.

However, that has not proved to be the case. The appraisals being conducted by the Farm Service Agency are showing increased values of ridiculous proportions. By all standards, one would expect the value to have decreased. Farm prices are the lowest they have been in years, and there does not seem to be a quick recovery forthcoming. Farmers cannot possibly be expected to pay back a value twice the amount they originally wrote down. Especially in light of the current market situation, I believe something must be done about the way these appraisals are conducted.

I am aware of one case in which the amount of the shared appreciation agreement was estimated at $167,500. The increased value was estimated at $335,000! When agricultural prices are at nearly an all-time low, farmers can barely keep up with their current payment schedules. They certainly cannot pay twice what they already owe.

USDA is attempting to fix the problem with proposed rules and regulations but farmers need help with these agreements now. I cannot stand idly by and wait for bureaucratic regulations to go through the ''process'' while farmers and ranchers are forced out of business.

The USDA has issued an emergency rule which will allow people who are unable to pay their shared appreciation agreement on time, to extend their current loan for up to three years. The interest rate on this extension will be at the government's cost of borrowing. Also, the USDA is allowing farmers to take out an additional loan at an interest rate of 9.25% to pay off the amount owed on the shared appreciation agreement.

There is also consideration being given to decreasing the number of years on shared appreciation agreements from ten to five. I appreciate the efforts by the USDA to alleviate the financial burden these shared appreciation agreements impose upon farmers, and hope that farmers are able to take advantage of them.

However, as I have stated, time is of the essence. Another proposed regulation, which will require a public comment period of 60 days, will exclude capital investments from the increase in appreciation. However, this proposal has not yet been published and is not expected to be for at least another month. After that, the comment period will further drag out the process and in the meantime more farmers will be forced into foreclosure.

To ensure this regulation on excluding capital investments from the increase in value is carried out, I intend to make it mandatory by legislation. Farmers should not be penalized for attempting to better their operations. Nor can they be expected to delay capital improvements so that they will not be penalized.

Additionally, my legislation will require the appraisal to be conducted by a certified appraiser from the state where the land is located. This will prevent out-of-state appraisal businesses from conducting appraisals in land areas they know nothing about. How can an appraisal company in Arizona be expected to do an accurate appraisal on land in Montana? It is not fair to the producers on that land to have their appraisal conducted by outside interests.

I look forward to working with members in other states to alleviate the financial burdens imposed by shared appreciation agreements. I hope that we may move this through the legislative process quickly to provide help as soon as possible to our farmers.

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. 961

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

SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) IN GENERAL.—Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by striking paragraph (2) and inserting the following:

''(2) TERMS.—A shared appreciation agreement entered into by a borrower under this subsection shall—

''(A) have a term not to exceed 10 years;

''(B) provide for recapture based on the difference between—

''(i) the appraised value of the real security property at the time of restructuring; and

''(ii) that value at the time of recapture, except that that value shall not include the value of any capital improvements made to the real security property by the borrower; and

''(C) be based on appraisals that are conducted by persons with a principal place of business that is located in the State containing the real property.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a shared appreciation arrangement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that is in effect on or after the date of enactment of this Act.

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

S. 962. A bill to allow a deduction from gross income for year 2000 computer conversion costs of small businesses; to the Committee on Finance.

THE SMALL BUSINESS Y2K COMPLIANCE ACT OF 1999

Mr. LEAHY. Mr. President, I rise today to introduce the Small Business Y2K Compliance Act of 1999. I am pleased to be joined by Senator DODD, the ranking member of the Senate Special Committee on the Year 2000 Technology Problem, as an original cosponsor of this measure.

Our legislation would offer small businesses a tax deduction of up to $40,000 towards the expenses of purchasing and installing Year 2000 compliant computer hardware and software in 1999. In addition, our bill would reward those small businesses that have acted responsibly by allowing an accelerated depreciation of up to $40,000 for the purchase and installation of Year 2000 compliant computer hardware and software made in 1997 and 1998. These tax incentives have been endorsed by thousands of small business owners at last year's White House Conference on Small Business, the American Small Business Alliance and the Small Business Administration.

Unfortunately, not all small businesses are doing enough to address the year 2000 issue because of a lack of resources in many cases. They face Y2K problems both directly and indirectly through their suppliers, customers and financial institutions. As recently as last October a representative of the National Federation of Independent Businesses testified: ''A fifth of them do not understand that there is a Y2K problem. . . . They are not aware of it. A fifth of them are currently taking action. A fifth have not taken action but plan to take action, and two-fifths are aware of the problem but do not plan to take any action prior to the year 2000.''

Indeed, the Small Business Administration recently warned that 330,000 small businesses are at risk of closing down as a result of Y2K problems, and another 370,000 could be temporarily or permanently hobbled.

Federal and State government agencies have entire departments working

on this problem. Utilities, financial institutions, telecommunications companies, and other large companies have information technology divisions working to make corrections to keep their systems running. They have armies of workers—but small businesses do not.

Small businesses are the backbone of our economy, from the city corner market to the family farm to the small-town doctor. In my home State of Vermont, 98 percent of the businesses are small businesses with limited resources. That is why it is so important to provide small businesses with the resources to correct their Y2K problems now.

A few months ago, I hosted a Y2K conference in Vermont to help small businesses prepare for 2000. Hundreds of small business owners from across Vermont attended the conference to learn how to minimize or eliminate their Y2K computer problems. Vermonters are working hard to identify their Y2K vulnerabilities and prepare action plans to resolve them. They should be encouraged and assisted in these important efforts.

This is the right approach. We have to fix as many of these problems ahead of time as we can. Ultimately, the best business policy and the best defense against any Y2K-based lawsuits is to be Y2K compliant.

That is why it is so important to provide small businesses with the resources to correct their Y2K problems now. Our legislation would provide targeted tax incentives to encourage small businesses round the country in their Y2K remediation efforts. Our bill encourages Y2K compliance now to avoid computer problems next year.

Moreover, the tax incentives in our legislation would have a negligible revenue cost. Indeed, the Joint Committee on Taxation has estimated that companion legislation introduced in the House of Representatives by Representative KAREN THURMAN, H.R. 179, would reduce revenue by $171 million from 1990–2003, but would increase revenues by the same $171 million from 2004–2008. Thus, this bill is fiscally prudent as well.

I urge my colleagues to cosponsor and support the ''Small Business Y2K Compliance Act of 1999.''

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. 962

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 ''Small Business Y2K Compliance Act of 1999''.

SEC. 2. DEDUCTION FOR COSTS OF MAKING COMPUTERS AND COMPUTER SOFTWARE YEAR 2000 COMPLIANT.

(a) IN GENERAL.—

(1) PROPERTY PLACED IN SERVICE IN 1999.—A taxpayer may elect to treat the cost of a business Y2K asset placed in service during the taxpayer's first taxable year beginning in 1999 as an expense which is not chargeable to capital account. The cost so treated shall be allowed as a deduction from gross income for purposes of the Internal Revenue Code of 1986.

(2) PROPERTY PLACED IN SERVICE IN 1997 OR 1998.—A taxpayer may elect to deduct from gross income an amount equal to the unrecovered basis of a business Y2K asset placed in service during the 2 taxable years preceding the first taxable year beginning in 1999 and which is otherwise subject to depreciation under such Code.

(b) LIMITATIONS.—

(1) IN GENERAL.—The aggregate amount allowed as a deduction under subsection (a) shall not exceed $40,000.

(2) APPLICATION OF BUSINESS LIMITATIONS OF SECTION 179.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 179(b) of such Code shall apply for purposes of this section. For purposes of the preceding sentence, the cost of property to which the limitation in paragraph (2) of such section 179(b) applies shall be the sum of—

(A) the amounts elected under subsection (a)(1) with respect to property placed in service during the taxpayer's first taxable year beginning in 1999, and

(B) the amounts elected under subsection (a)(2) with respect to the unrecovered basis of business Y2K assets placed in service during the 2 taxable years preceding the first taxable year beginning in 1999.

(c) DEFINITIONS.—For purposes of this section—

(1) BUSINESS Y2K ASSET.—The term ''business Y2K asset'' means an asset acquired by purchase for use in the active conduct of a trade or business which is—

(A) any computer acquired to replace a computer where such replacement is necessary because of the year 2000 computer conversion problem, and

(B) any of the following items which are of a character subject to the allowance for depreciation under such Code:

(i) the modification of computer software to address the year 2000 computer conversion problem, and

(ii) computer software which is year 2000 compliant acquired to replace computer software which is not so compliant.

(2) COMPUTER.—The term ''computer'' means a computer or peripheral equipment (as defined by section 168(i)(2)(B)) of such Code.

(3) COMPUTER SOFTWARE.—The term ''computer software'' has the meaning given to such term by section 167(f) of such Code.

(4) UNRECOVERED BASIS.—The term ''unrecovered basis'' means the adjusted basis of the business Y2K asset determined as of the close of the last taxable year beginning before January 1, 1999.

(d) SPECIAL RULES.—

(1) IN GENERAL.—Rules similar to the rules of subsections (c) and (d) (other than paragraph (1) thereof) of section 179 of such Code shall apply for purposes of this section.

(2) TREATMENT AS DEDUCTION UNDER SECTION 179.—For purposes of the Internal Revenue Code of 1986, the deduction allowed under this section shall be treated in the same manner as a deduction allowed under section 179 of such Code.

(3) ORDERING RULE.—For purposes of section 179 of such Code, subsection (b)(3)(C) of such section shall be applied without regard to the deduction allowed under this section.

By Mr. GREGG:

S. 963, A bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes; to the Committee on Finance.

FAMILY FOREST LAND PRESERVATION TAX ACT OF 1999

Mr. GREGG. Mr. President, I rise today to introduce the Family Forestland Preservation Tax Act of 1999. This bill amends several key tax provisions to help landowners keep their lands in long-term private forest ownership and management. Without these changes, many landowners will continue to be forced to sell or change the use of their land.

This bill derives from four years of work by the Northern Forest Lands Council (NFLC). The NFLC was created in 1990 to seek ways for Maine, New Hampshire, Vermont, and New York to maintain the ''traditional patterns of land ownership and use'' in the forest that covers this nation's Northeast. The Northern Forest is a 26-million-acre stretch of land, home to one million residents and within a two-hour drive of 70 million people. Nearly 85% of the Forest is privately owned. Times have changed, however, and social and economic forces have begun to affect the traditional patterns of land use with more and more land being marketed for development.

This bill will help maintain traditional patterns and, thus, preserve the forest by adjusting several estate tax provisions. This bill would allow heirs to make postmortem donations of conservation easements on undeveloped estate land and allow the valuation of undeveloped land at current use value for estate tax purposes if the owner or heir agrees to maintain the land in its current use for a period of twenty-five years. This bill also would establish a partial inflation adjustment for timber sales by allowing a tax credit not to exceed 50%. This will encourage landowners to maintain their timberland for long-term stewardship, which is both economically and environmentally desirable. Also, the bill would eliminate the requirement that landowners generally must work 100-hours-per-year in forest management on their forest properties to be allowed to deduct normal management expenses from timber activities against nonpassive income. Currently, landowners are required to capitalize these losses until timber is harvested. This legislation, though prompted by the NFLC's work, will benefit not only the four states that make up the Northern Forest, but also all states with forestland and all who enjoy the multiple uses of forestland. I urge my colleagues to support this bill, which will not only protect the historic current use patterns, but also allow the rustic beauty of our forests to be enjoyed by all.

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

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

S. 963

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Family Forest Land Preservation Tax Act of 1999''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—ESTATE TAX PROVISIONS

SEC. 101. EXCLUSION FOR LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) IN GENERAL.—Section 2031(c) (relating to estate tax with respect to land subject to a qualified conservation easement) is amended to read as follows:

''(c) ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—

''(1) IN GENERAL.—If the executor makes the election described in paragraph (4), then, except as otherwise provided in this subsection, there shall be excluded from the gross estate the value of land subject to a qualified conservation easement, reduced by the amount of any deduction under section 2055(f) with respect to such land.

''(2) TREATMENT OF CERTAIN INDEBTEDNESS.—

''(A) IN GENERAL.—The exclusion provided under paragraph (1) shall not apply to the extent that the land is debt-financed property.

''(B) DEFINITIONS.—For purposes of this paragraph—

''(i) DEBT-FINANCED PROPERTY.—The term 'debt-financed property' means any property with respect to which there is acquisition indebtedness (as defined in clause (ii)) on the date of the decedent's death.

''(ii) ACQUISITION INDEBTEDNESS.—The term 'acquisition indebtedness' means, with respect to any property, the unpaid amount of—

''(I) any indebtedness incurred by the donor in acquiring such property,

''(II) any indebtedness incurred before the acquisition of such property if such indebtedness would not have been incurred but for such acquisition,

''(III) any indebtedness incurred after the acquisition of such property if such indebtedness would not have been incurred but for such acquisition and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition, and

''(IV) any indebtedness which constitutes an extension, renewal, or refinancing of other indebtedness described in this clause.

''(3) TREATMENT OF RETAINED DEVELOPMENT RIGHT.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to the value of any development right retained by the donor in the conveyance of a qualified conservation easement.

''(B) TERMINATION OF RETAINED DEVELOPMENT RIGHT.—If every person in being who has an interest (whether or not in possession) in the land executes an agreement to extinguish permanently some or all of any development rights retained by the donor on or before the date for filing the return of the tax imposed by section 2001, then any tax imposed by section 2001 shall be reduced accordingly. Such agreement shall be filed with the return of the tax imposed by section 2001. The agreement shall be in such form as the Secretary shall prescribe.

''(C) ADDITIONAL TAX.—Any failure to implement the agreement described in subparagraph (B) not later than the earlier of—

''(i) the date which is 2 years after the date of the decedent's death, or

''(ii) the date of the sale of such land subject to the qualified conservation easement,

shall result in the imposition of an additional tax in the amount of the tax which would have been due on the retained development rights subject to such agreement. Such additional tax shall be due and payable on the last day of the 6th month following such earlier date.

''(D) DEVELOPMENT RIGHT DEFINED.—For purposes of this paragraph, the term 'development right' means any right to use the land subject to the qualified conservation easement in which such right is retained for any commercial purpose which is not subordinate to and directly supportive of the use of such land as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

''(4) ELECTION.—The election under this subsection shall be made on or before the due date (including extensions) for filing the return of tax imposed by section 2001 and shall be made on such return.

''(5) CALCULATION OF ESTATE TAX DUE.—An executor making the election described in paragraph (4) shall, for purposes of calculating the amount of tax imposed by section 2001, include the value of any development right (as defined in paragraph (3)) retained by the donor in the conveyance of such qualified conservation easement. The computation of tax on any retained development right prescribed in this paragraph shall be done in such manner and on such forms as the Secretary shall prescribe.

''(6) DEFINITIONS.—For purposes of this subsection—

''(A) LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—The term 'land subject to a qualified conservation easement' means land—

''(i) which was owned by the decedent or a member of the decedent's family at all times during the 3-year period ending on the date of the decedent's death, and

''(ii) with respect to which a qualified conservation easement has been made by an individual described in subparagraph (C) as of the date of the election described in paragraph (4).

''(B) QUALIFIED CONSERVATION EASEMENT.—The term 'qualified conservation easement' means a qualified conservation contribution (as defined in section 170(h)(1)) of a qualified real property interest (as defined in section 170(h)(2)(C)), except that clause (iv) of section 170(h)(4)(A) shall not apply.

''(C) INDIVIDUAL DESCRIBED.—An individual is described in this subparagraph if such individual is—

''(i) the decedent,

''(ii) a member of the decedent's family,

''(iii) the executor of the decedent's estate, or

''(iv) the trustee of a trust the corpus of which includes the land to be subject to the qualified conservation easement.

''(D) MEMBER OF THE DECEDENT'S FAMILY.—The term 'member of the decedent's family' means any member of the family (as defined in section 2032A(e)(2)) of the decedent.

''(7) TREATMENT OF EASEMENTS GRANTED AFTER DEATH.—In any case in which the qualified conservation easement is granted after the date of the decedent's death and on or before the due date (including extensions) for filing the return of tax imposed by section 2001, the deduction under section 2055(f) with respect to such easement shall be allowed to the estate but only if no charitable deduction is allowed under chapter 1 to any person with respect to the grant of such easement.

''(8) APPLICATION OF THIS SECTION TO INTERESTS IN PARTNERSHIPS, CORPORATIONS, AND TRUSTS.—This subsection shall apply to an interest in a partnership, corporation, or trust if at least 30 percent of the entity is owned (directly or indirectly) by the decedent, as determined under the rules described in section 2057(e)(3).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 1999.

SEC. 102. INCREASE IN SPECIAL ESTATE TAX VALUATION; SPECIAL RULES FOR FOREST LANDS.

(a) INCREASE IN LIMIT.—

(1) IN GENERAL.—Paragraphs (2) and (3) of section 2032A(a) (relating to value based on use under which property qualifies) are each amended by striking ''$750,000'' each place it appears and inserting ''$1,000,000''.

(2) INFLATION ADJUSTMENT.—Section 2032A(a)(3) is amended—

(A) by striking ''1998'' and inserting ''2000'', and

(B) by striking ''calendar year 1997'' and inserting ''calendar year 1999''.

(b) FOREST LAND TREATED AS QUALIFIED REAL PROPERTY.—Section 2032A(b) (defining qualified real property) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR QUALIFIED WOODLANDS.—In the case of qualified woodland, paragraph (1) shall be applied without regard to subparagraph (A) or (C)(ii) thereof.''

(c) DEFINITIONS AND FAILURES TO USE FOR QUALIFIED USE.—Section 2032A(c) (relating to tax treatment of definitions and failures to use for qualified use) is amended by adding at the end the following new paragraph:

''(9) SPECIAL RULES FOR QUALIFIED WOODLAND.—In the case of qualified woodland—

''(A) this subsection shall be applied by substituting '25 years' for '10 years' in paragraph (1) and by substituting '25-year period' for '10-year period' in paragraph (7)(A)(ii) and subsection (h)(2)(A),

''(B) the qualified heir shall not be treated as disposing of the property or ceasing to use the property for a qualified use if—

''(i) the qualified heir transfers the property to another person, and

''(ii) such other person (or their qualified heir) agrees to continue to use the property for a qualified use and files an agreement described in subsection (d)(2) with respect to the property,

''(C) the qualified heir shall be treated as ceasing to use the property for a qualified use if any depreciable improvements are made to the property (other than improvements required for the qualified use), and

''(D) a qualified heir or transferee described in subparagraph (B) shall not be treated as disposing of timber if the disposal is done in accordance with any program described in subsection (e)(13)(E).''

(d) QUALIFIED WOODLAND.—Section 2032A(e)(13) is amended by adding at the end the following new subparagraph:

''(E) OTHER REQUIREMENTS.—Real property shall not be treated as qualified woodland unless such property—

''(i) qualifies for a differential use value assessment program for forest land in the State in which the property is located, or

''(ii) if a State has no differential use value assessment program—

''(I) is forest land,

''(II) is a minimum of 10 acres, exclusive of a dwelling unit or other non-forest related structure and its curtilage, and

''(III) is subject to a forest management plan.''

(e) VALUATION.—

(1) IN GENERAL.—Section 2032A(e) is amended by adding at the end the following new paragraph:

''(15) SPECIAL RULES FOR VALUING FOREST LAND.—The value of forest land shall be determined according to whichever of the following methods results in the least value:

''(A) Assessed land values in a State which provides a differential or use value assessment for forest land.

''(B) Comparable sales of other forest land which is in the same geographical area and which is far enough removed from a metropolitan or resort area so that nonforest use is not a significant factor in the sales price.

''(C) The capitalization of income which the property can be expected to yield for timber operations over a reasonable period of time under prudent management, determined by using traditional forest management for the area, and taking into account soil capacity, terrain configuration, and similar factors.

''(D) Any other factor which fairly values the timber value of the property.''

(2) CONFORMING AMENDMENT.—Section 2032A(e)(8) is amended by striking ''paragraph (7)(A)'' and inserting ''paragraph (7)(A) or (15)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 1999.

TITLE II—INCOME TAX TREATMENT

SEC. 201. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is amended by adding at the end the following new section:

''SEC. 1203. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

''(a) IN GENERAL.—At the election of any taxpayer who has qualified timber gain for any taxable year, there shall be allowed as a deduction from gross income an amount equal to the applicable percentage of such gain.

''(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means the lesser of—

''(1) the net capital gain for the taxable year, or

''(2) the net capital gain for the taxable year determined by taking into account only gains and losses from the sale or exchange of—

''(A) any standing timber (or the right to sever any standing timber), or

''(B) any qualified woodland (as defined in section 2032A(e)(13)(B)) or any interest therein.

Such term shall not include any gain excludable from gross income under section 139.

''(c) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means the percentage (not exceeding 50 percent) determined by multiplying—

''(1) 3 percent, by

''(2) the number of years in the holding period of the taxpayer with respect to the timber.

''(d) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.''

(b) COORDINATION WITH EXISTING LIMITATIONS.—

(1) Subsection (h) of section 1 (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

''(14) QUALIFIED TIMBER GAIN.—For purposes of this subsection, net capital gain shall be determined without regard to qualified timber gain with respect to which an election is made under section 1203.''

(2) Subsection (a) of section 1201 (relating to alternative tax for corporations) is amended by adding at the end the following flush sentence:

''For purposes of this section, net capital gain shall be determined without regard to qualified timber gain with respect to which an election is made under section 1203.''

(c) ALLOWANCE OF DEDUCTION IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 (relating to definition of adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

''(18) PARTIAL INFLATION ADJUSTMENT FOR TIMBER.—The deduction allowed by section 1203.''

(d) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

''Sec. 1203. Partial inflation adjustment for timber.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 1999.

SEC. 202. EXCLUSION OF GAIN FROM SALES OF INTERESTS IN FOREST LAND FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and by inserting after section 138 the following new section:

''SEC. 139. SALES OF INTERESTS IN CERTAIN FOREST LAND FOR CONSERVATION PURPOSES.

''(a) EXCLUSION.—

''(1) IN GENERAL.—Gross income shall not include the applicable percentage of any gain from a qualified timber sale.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

''(A) 35 percent, or

''(B) in the case of a qualified timber sale of a qualified real property interest described in section 170(h)(2)(C), 100 percent.

''(b) LIMITATION.—

''(1) IN GENERAL.—The total amount of gain which may be excluded from gross income under subsection (a) for any taxable year shall not exceed the sum of—

''(A) the amount of gain from a qualified timber sale described in subsection (a)(2)(B), plus

''(B) $800,000 ($400,000 in the case of a married individual filing a separate return).

''(2) AGGREGATION RULE.—For purposes of paragraph (1)(B), all persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as one taxpayer.

''(c) QUALIFIED TIMBER SALE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified timber sale' means the sale or exchange of a qualified real property interest in real property which is used in timber operations to a governmental unit described in section 170(c)(1) for conservation purposes.

''(2) SPECIAL RULE FOR SALES TO NONGOVERNMENTAL ENTITIES.—

''(A) IN GENERAL.—The term 'qualified timber sale' shall include a sale or exchange to a qualified organization described in section 170(h)(3) if such interest is transferred to a governmental unit described in section 170(c)(1) during the 2-year period beginning on the date of the sale or exchange.

''(B) TIME FOR EXCLUSION.—If the transfer to which paragraph (1) applies occurs in a taxable year after the taxable year in which the sale or exchange occurred—

''(i) no exclusion shall be allowed under subsection (a) for the taxable year of the sale or exchange, but

''(ii) the taxpayer's tax for the taxable year of the transfer shall be reduced by the amount of the reduction in the taxpayer's tax for the taxable year of the sale or exchange which would have occurred if subparagraph (A) had not applied.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED REAL PROPERTY INTEREST.—The term 'qualified real property interest' has the meaning given such term by section 170(h)(2).

''(2) TIMBER OPERATIONS.—The term 'timber operations' has the meaning given such term by section 2032A(e)(13)(C).

''(3) CONSERVATION PURPOSES.—The term 'conservation purposes' has the meaning given such term by section 170(h)(4)(A) (without regard to clause (iv) thereof).''

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following new items:

''Sec. 139. Sales of interests in certain forest land for conservation purposes.

''Sec. 140. Cross references to other Acts.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 203. APPLICATION OF PASSIVE LOSS LIMITATIONS TO TIMBER ACTIVITIES.

(a) IN GENERAL.—Treasury regulations sections 1.469–5T(b)(2) (ii) and (iii) shall not apply to any closely held timber activity if the nature of such activity is such that the aggregate hours devoted to management of the activity for any year is generally less than 100 hours.

(b) DEFINITIONS.—For purposes of subsection (a)—

(1) CLOSELY HELD ACTIVITY.—An activity shall be treated as closely held if at least 80 percent of the ownership interests in the activity is held—

(A) by 5 or fewer individuals, or

(B) by individuals who are members of the same family (within the meaning of section 2032A(e)(2) of the Internal Revenue Code of 1986).

An interest in a limited partnership shall in no event be treated as a closely held activity for purposes of this section.

(2) TIMBER ACTIVITY.—The term ''timber activity'' means the planting, cultivating, caring, cutting, or preparation (other than milling) for market, of trees.

(c) EFFECTIVE DATE.—This section shall apply to taxable years beginning after December 31, 1999.

By Mr. DASCHLE:

S. 964. A bill to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes; to the Committee on Indian Affairs.

CHEYENNE RIVER SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND ACT

Mr. DASCHLE. Mr. President, today I am introducing legislation to compensate the Cheyenne River Sioux Tribe for losses the tribe suffered when the Oahe dam was constructed in central South Dakota and over 100,000 acres of tribal land was flooded. Its passage will help the tribe rebuild their infrastructure and their economy, which was seriously crippled by the Oahe project during the 1950s. It is extraordinary that it has taken four decades to reach this point. The importance of passing this long-overdue legislation as soon as possible cannot be stated too strongly.

This legislation was developed with the assistance of Chairman Gregg

Bourland and Council Member Louis Dubray of the Cheyenne River Sioux Tribe. Both men have worked tirelessly to bring us to this point and I am grateful for their assistance. This legislation represents one element of their progressive vision for providing the members of the Cheyenne River Sioux Tribe with greater opportunities for economic development and to fulfill the debts owned to the tribe by the federal government.

The Cheyenne River Sioux Tribe Equitable Compensation Act is the companion bill to the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act, which passed by unanimous consent in November of 1997, and the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996, which passed the Congress unanimously in 1996.

The bill is based on an extensive analysis of the imp[act of the Pick-Sloan Dam Projects on the Cheyenne River Sioux Tribe which was performed by the Robert McLaughlin Company. The McLaughlin report was reviewed by the General Accounting Office, which found that the losses suffered by the tribe justify the establishment of a $290 million trust fund, which is the amount called for in this legislation.

It represents an important step in our continuing effort to fairly compensate the tribes of South Dakota for the sacrifices they made decades ago for the construction of the dams along the Missouri River and will further the goal of improving the lives of Native Americans living on those reservations.

To fully appreciate the need for this legislation, it is important for the committee to understand the historic events that are prologue to its development. The Oahe dam was constructed in South Dakota pursuant to the Flood Control Act (58 Stat. 887) of 1944. That legislation authorized implementation of the Missouri River Basin Pick-Sloan Plan for water development and flood control for downstream states.

The Oahe dam flooded 104,000 acres of tribal land, forcing the relocation of roughly 30 percent of the tribe's population, including four entire communities. Equally as important, the tribe lost 80 percent of its fertile river bottom lands—lands that represented the basis for the tribal economy. Prior to the flooding, the tribe relied on these lands for firewood and building material, game wild fruits and berries, as well as cover from the severe storms that characterize winters in South Dakota and shelter from the heat of the prairie summer. Indian ranchers no longer had places to shelter their cattle in the wintertime, causing a significant loss in the value of their operations.

The loss of these important river bottom lands can be felt today. During the extreme winter of 1996–1997, the tribe lost roughly 30,000 head of livestock, including 25,000 head of cattle. Without adequate natural shelter, the remaining Indian ranchers along this stretch of river can expect to continue to have difficulty scratching out a living in future years when the winter turns particularly hard.

Mr. President, the damage caused by the Pick-Sloan projects touched every aspect of life on the Cheyenne River reservation. Ninety percent of the timber on the reservation was wiped out, causing shortages of building material and firewood. Wildlife, once abundant in the river bottom, became more scarce. The entire lifestyle of the tribe changed as it was forced to relocate much of its people from the lush river bottom lands to the windswept prairie.

Most Americans, if not all, are familiar with the many broken promises of the United States Government to Native Americans during the 1800's. For Indian tribes located along the Missouri River in the state of South Dakota, the United States Government still has not met its responsibilities for compensation for losses suffered as a result of the construction of the Pick-Sloan dams. This proposed legislation is intended to correct that situation as it applies to the Cheyenne River Sioux Tribe.

We cannot, of course, remake the lost lands and return the tribe to its former existence. We can, however, help provide the resources necessary to the tribe to improve the infrastructure on the Cheyenne River reservation. This, in turn, will enhance opportunities for economic development which will benefit all members of the tribe. Perhaps most importantly, it will fulfill part of our commitment to improve the lives of Native Americans—in this case the Cheyenne River Sioux.

I strongly urge my colleagues to approve this legislation this year. Providing compensation to the Cheyenne River Sioux Tribe for past harm inflicted by the federal government is long-overdue and any further delay only compounds that harm. 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. 964

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 ''Cheyenne River Sioux Tribe Equitable Compensation Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), commonly known as the ''Flood Control Act of 1944'', Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the ''Pick-Sloan program'')—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and correctly concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this Act as the ''Comptroller General'') determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,722,958;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this Act is consistent with the principles of self-governance and self-determination.

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

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 3. DEFINITIONS.

In this Act:

(1) TRIBE.—The term ''Tribe'' means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term ''Tribal Council'' means the governing body of the Tribe.

SEC. 4. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Cheyenne River Sioux Tribal Recovery Trust Fund'' (referred to in this Act as the ''Fund''). The Fund shall consist of any amounts deposited into the Fund under this Act.

(b) FUNDING.—Out of any money in the Treasury not otherwise appropriated, the

Secretary of the Treasury shall deposit $290,722,958 into the Fund not later than 60 days after the date of enactment of this Act.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) IN GENERAL.—

(A) WITHDRAWAL OF INTEREST.—Beginning at the end of the first fiscal year in which interest is deposited into the Fund, the Secretary of the Treasury shall withdraw the applicable percentage amount of the aggregate amount of interest deposited into the Fund for that fiscal year (as determined under subparagraph (B)) and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(B) APPLICABLE PERCENTAGE AMOUNTS.—The applicable percentage amount referred to in subparagraph (A) shall be as follows:

(i) 10 percent for the first fiscal year for which interest is deposited into the Fund.

(ii) 20 percent for the 2d such fiscal year.

(iii) 30 percent for the 3rd such fiscal year.

(iv) 40 percent for the 4th such fiscal year.

(v) 50 percent for the 5th such fiscal year.

(vi) 60 percent for the 6th such fiscal year.

(vii) 70 percent for the 7th such fiscal year.

(viii) 80 percent for the 8th such fiscal year.

(ix) 90 percent for the 9th such fiscal year.

(x) 100 percent for the 10th such fiscal year, and for each such fiscal year thereafter.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(D) PLEDGE OF FUTURE PAYMENTS.—

(i) IN GENERAL.—Subject to clause (ii), the Tribe may enter into an agreement under which the Tribe pledges future payments under this paragraph as security for a loan or other financial transaction.

(ii) LIMITATIONS.—The Tribe—

(I) may enter into an agreement under clause (i) only in connection with the purchase of land or other capital assets; and

(II) may not pledge, for any year under an agreement referred to in clause (i), an amount greater than 40 percent of any payment under this paragraph for that year.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the ''plan'').

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A–133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this Act may be distributed to any member of the Tribe on a per capita basis.

SEC. 5. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this Act shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Fund.

By Mr. JEFFORDS (for himself, Ms. SNOWE, Mr. LEAHY, Mrs. MURRAY, and Mr. DURBIN):

S. 965. A bill to restore a United States voluntary contribution to the United Nations Population Fund; to the Committee on Foreign Relations.

UNITED NATIONS POPULATION FUND (UNFPA) FUNDING ACT OF 1999

Mr. JEFFORDS. Mr. President, today I am introducing the ''United Nations Population Fund Funding Act of 1999.'' Senators CHAFEE, SNOWE, LEAHY, MURRAY, and DURBIN join me as original cosponsors.

I will celebrate the memory of my mother this Sunday on Mother's Day. Very sadly, I know that there are millions of children in the developing world who have very few, or even no memories of their mothers. Nearly all maternal deaths are in developing countries. More than 585,000 women, many of them already mothers, die each year from causes related to pregnancy, including obstructed labor, hemorrhage and postpartum infection, and ectopic pregnancies caused by a sexually transmitted disease. Mothers also die from HIV, malnutrition and anemina, or complications of an unsafe abortion.

These are only a few examples of how poverty, lack of knowledge, and lack of basic maternal health care claim the lives of millions of mothers all over the world every year. But the importance of maternal health care to the well-being of women and their families is clear. We can support mothers in poorer countries around the world by removing the ban on U.S. funding for UNFPA. UNFPA is currently the leading maternal health care provider around the world.

During the heated debate surrounding international family planning and U.S. funding for UNFPA, ''the baby often gets thrown out with the bath water.'' The ''baby'' in this debate is the vast array of work UNFPA does around the world to improve pre- and post-natal mother's health, access to voluntary family planning programs, STD and HIV education and prevention, and programs to end the practice of female genital mutilation. UNFPA provides couples all over the world access to contraception. It seeks to reduce abortions and related deaths by improving access to family planning and to treatment for complications of unsafe abortion. UNFPA's priorities include preventing teen pregnancy. Too frequently, the bulk of UNFPA's work is overlooked in the international family planning controversy.

Many people do not even realize that UNFPA also assists women in crisis situations. UNFPA recently announced it is sending emergency reproductive health hits, including equipment for safe delivery of babies and emergency contraceptives for rape victims, to Albania for thousands of Kosovar Albanian refugee women.

The lives of pregnant women and newborns are at particular risk among refugees fleeing Kosovo. These kits include supplies for women who give birth in areas without medical facilities, including materials like soap, plastic sheeting, pictorial instructions for delivering a baby, and razor blades for cutting the umbilical cord of a newborn. These are the most basic of

items. But they can mean the difference between life and death for mothers and their newborn babies. The U.S. should contribute to this humanitarian work.

The whole world has been horrified by reports released by human rights organizations stating that the Serbs are using rape as a weapon of war. UNFPA has responded and is leading international efforts to help Kosovar Albanian women who have been raped by Serb forces. UNFPA provides trauma treatment and counseling for other mental health consequences of this form of human rights abuse.

As the legislative year progresses, the controversy over international family planning programs will intensify. My legislation calling for renewal of the U.S. contribution to UNFPA will get caught up in the controversy as well. But I will not let one of the most important issues get lost—the health of mothers in poor countries. In the coming months I will work with the cosponsors to this bill and many health care organizations to keep the issue of maternal health visible in the international family planning debate.

By Mr. REID:

S. 966. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice, to protect employees of Medicare providers who report concerns about the safety and quality of services provided by the Medicare providers or who report violations of Federal or State law by those providers, and to require review of the impact on public health and safety of proposed mergers and acquisitions of Medicare providers; to the Committee on Finance.

PATIENT SAFETY AT OF 1999

Mr. REID. Mr. President, I rise today to introduce the Patient Safety Act of 1999. This legislation focuses on the major safety, quality, and workforce issues for nurses employed by health care institutions and the patients who receive care in these facilities.

Health care consumers need access to information about health care institutions in order to make informed decisions about where they or their loved ones will receive care. My bill would require health care facilties to make information publicly available about staffing levels, patient care outcomes, and specific kinds of errors and avoidable patient care problems—such as bedsores. The Patient Safety Act would not require action to correct these problems. This is not a bill to regulate health care, but one that would provide individuals with the information they want and need when it comes time to make important health care choices.

As our front-line health care workers, nurses are usually the first to recognize dangerous patient care conditions. The Patient Safety Act would provide nurses and other hospital employees with ''whistleblower'' protections it they report problems that threaten patient safety to their employers, government agencies, or others.

Finally, the Patient Safety Act would dirct the Department of Health and Human Services to review mergers and acqusitions of hospitals to determine their long-term effects on the well-being of patients, the community and employees. While these types of transactions are regularly evaluated from a financial standpoint, little information is made available to the public about hwo such a change would affect the health care services available to them.

The Patient Safety Act is a valuable information resource for consumers. I urge you to join my efforts to provide consumers with the data necessary to make informed decisions about their health care providers.

By Mr. LAUTENBERG:

S. 967. A bill to provide a uniform national standard to ensure that consealed firearms are available only to authorized persons for lawful purposes; to the Committee on the Judiciary.

CONCEALED FIREARMS PROHIBITION ACT

Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Concealed Firearms Prohibition Act, that would help make our communities safer.

Across the country, citizens are looking for ways to stop gun violence. They see their families torn apart, their friends lost forever, and their communities shattered. And they wonder what has gone wrong in a nation where more than 30,000 people are killed by gunfire each year.

One area of growing concern is concealed weapons. Recently, the NRA tried to push a measure that would have allowed more concealed weapons in Missouri. They spent about $4 million trying to pass their referendum. But the voters responded with a resounding ''no.'' They do not want more people secretly carrying weapons in their schoolyards, malls, stadiums and other public places.

Regrettably, there are still too many politicians who will not listen to the people. They insist on marching in lockstep with the NRA. They actually want to escalate the arms race on our streets. They try to suggest that if more people are carrying guns, our neighborhoods will be safer. That position simply defies common sense. The answer to gun violence is not a new version of the Wild West, with everyone carrying a gun on his or her hip, taking the law into their own hands.

Every day people get into arguments over everything from traffic accidents to domestic disputes. Maybe these arguments lead to yelling, or even fisticuffs. But if people are carrying guns, those conflicts are much more likely to end in a shooting, and death. And since some States allow individuals to carry concealed weapons with little or no training in the operation of firearms, there is a greater chance that incompetent or careless handgun users will accidentally injure or kill innocent bystanders.

More concealed weapons on our streets will also make the jobs of law enforcement officers more dangerous and difficult. But you do not need to take my word for this, Mr. President. Just ask the men and women in law enforcement. In fact, the Police Executive Research Forum did just that. In their 1996 survey, they found that 92 percent of their membership opposed legislation allowing private citizens to carry concealed weapons.

Mr. President, although the regulation of concealed weapons has been left to States, it is time for Congress to step in to protect the public. All Americans have a right to be free from the dangers posed by the carrying of concealed handguns, regardless of their State of residence. And Americans should be able to travel across State lines for business, to visit their families, or for any other purpose, without having to worry about concealed weapons.

Besides the strong Federal interest in ensuring the safety of our citizens, there are other reasons why this area requires Congressional intervention. Beyond the lives lost and ruined, crimes committed with handguns impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for businesses around the Nation. Moreover, to ensure its coverage under the Constitution's commerce clause, my bill applies only to handguns that have been transported in interstate or foreign commerce, or that have parts or components that have been transported in interstate or foreign commerce. This clearly distinguishes the legislation from the gun-free school zone statute that was struck down in the Supreme Court's Lopez case.

Mr. President, the bottom line is that more guns equal more death. This legislation will help in our struggle to reduce the number of guns on our streets, and help prevent our society from becoming even more violent and dangerous.

I hope my colleagues will support the bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 967

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 ''Concealed Firearms Prohibition Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) crimes committed with firearms threaten the peace and domestic tranquility of the United States and reduce the security and general welfare of the people of the United States;

(2) crimes committed with firearms impose a substantial burden on interstate commerce

and lead to a reduction in productivity and profitability for businesses around the country whose workers, suppliers, and customers are adversely affected by gun violence;

(3) the public carrying of firearms increases the level of gun violence by enabling the rapid escalation of otherwise minor conflicts into deadly shootings;

(4) the public carrying of firearms increases the likelihood that incompetent or careless firearm users will accidently injure or kill innocent bystanders;

(5) the public carrying of firearms poses a danger to citizens of the United States who travel across State lines for business or other purposes; and

(6) all Americans have a right to be protected from the dangers posed by the carrying of concealed firearms, regardless of their State of residence.

SEC. 3. UNLAWFUL ACT.

Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) FIREARMS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for a person to carry a firearm, any part of which has been transported in interstate or foreign commerce, on his or her person in public.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) a person authorized to carry a firearm under State law who is—

''(i) a law enforcement official;

''(ii) a retired law enforcement official;

''(iii) a duly authorized private security officer;

''(iv) a person whose employment involves the transport of substantial amounts of cash or other valuable items; or

''(v) any other person that the Attorney General determines should be allowed to carry a firearm because of compelling circumstances, under regulations that the Attorney General may promulgate;

''(B) a person authorized to carry a firearm under a State law that permits a person to carry a firearm based on an individualized determination, based on a review of credible evidence, that the person should be allowed to carry a firearm because of compelling circumstances (not including a claim of concern about generalized or unspecified risks); or

''(C) a person authorized to carry a firearm on his or her person under Federal law.

''(3) EFFECT ON OTHER LAWS.—

''(A) FEDERAL LAWS.—Nothing in this subsection supersedes or limits any other Federal law (including a regulation) that prohibits or restricts the possession or transportation of a firearm.

''(B) STATE AND LOCAL LAWS.—Nothing in this subsection supersedes or limits any law (including a regulation) of a State or political subdivision of a State that—

''(i) grants a right to carry a concealed firearm that is more restrictive than a right granted under this subsection;

''(ii) permits a private person or entity to prohibit or restrict the possession of a concealed firearm on property belonging to the person;

''(iii) prohibits or restricts the possession of a firearm on any property, installation, building, facility, or park belonging to a State or political subdivision of a State; or

''(iv) permits a person to—

''(I) transport a lawfully-owned and lawfully-secured firearm in a vehicle for hunting or sporting purposes; or

''(II) use a lawfully-owned firearm for hunting or sporting purposes.''.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. CLELAND, Mrs. LINCOLN, and Mr. ROBB):

S. 968. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development, for the purposes of maximizing the available water supply and protecting the environment through the development of alternative water sources, and for other purposes; to the Committee on Environment and Public Works.

ALTERNATIVE WATER SOURCES ACT OF 1999

● Mr. GRAHAM. Mr. President, I rise today with my colleagues, Senators MACK, CLELAND, LINCOLN, and ROBB, to discuss an issue of great importance to the people of Florida and the nation: the availability of adequate water supplies. During the last decade, many states have experienced unprecedented population growth. For example, Florida's population increased by 15 percent, or almost 2 million people, over the last 8 years. We have directed resources towards improvements in our highway infrastructure to accommodate increased use. However, an area that has not received adequate attention but has the potential to negatively impact human health and the environment as well as limit economic growth is the conservation and development of adequate water supplies.

A number of eastern states, including Florida, are now experiencing water supply problems similar to those in the arid West. We must act now to prevent salt water intrusion into our aquifers, additional loss of wetlands, and curbs on economic development due to inadequate water supplies. As we prepare for the 21st century, demand for water for domestic, industrial, and agricultural uses will continue to increase.

In just one of Florida's regional water management districts, the Governing Board has committed $10 million per year since 1994 to providing financial assistance for local alternative water source projects such as conservation, wastewater reclamation, stormwater reuse, and desalination. When fully implemented, the 23 currently active or completed projects will provide more than 150 million gallons of water per day to supply existing and future needs. These projects will also reduce groundwater withdrawals, rehydrate stressed lakes and wetlands, increase ground water recharge, enhanced wildlife habitat, and improve flood control.

We are today introducing legislation to address this critical public health, environmental, and economic issue. The ''Alternative Water Sources Act of 1999'' establishes a federal grant program for eastern states that is similar to a program already operated by the Bureau of Reclamation for western states. The program will provide federal matching funds for the design and construction of water reclamation, reuse, and conservation projects. The bill authorizes the Environmental Protection Agency (EPA) to make grants to agencies with responsibility for water resource development, for the purpose of maximizing available water supplies while protecting the environment. Under this program, water supply agencies will submit grant proposals to EPA. The proposed projects must be part of a long range water resource management plan. If approved, the federal government would provide half the cost of the project. This legislation authorizes $75 million per year over the next five years to fund alternative water source projects.●

By Mr. ASHCROFT:

S. 969. A bill to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have weapons or threaten to harm others, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SCHOOL SAFETY ACT OF 1999

Mr. ASHCROFT. Mr. President, in the past two weeks since the tragedy occurred at Columbine High School in Littleton, Colorado, we have all had time to reflect on a number of issues. Our thoughts and prayers go to the families, friends, and other loved ones affected by this incident. We have asked ourselves why this happened. How it happened.

The Littleton tragedy requires reflection, thought and corrective action within our spheres of influence and responsibility. Children must learn respect and responsibility. Parents must be responsible for their children, including what they watch and what they do. Schools must have firm, fair and consistent discipline policies. Schools must be free to expel violence-prone students. State legislators must review state laws. Congress must review federal laws.

As a member of the United States Senate, I have been prompted to stop and examine our current federal education laws involving school safety, and see if our policies are promoting and encouraging school safety—or are in some way hindering our teachers, parents, principals, superintendents, and school boards from maintaining a safe place for our children to learn and our teachers to teach.

For much of the past year and before the Littleton tragedy, I traveled through Missouri talking to teachers, principals, school superintendents and school officials about the issue of school safety and school discipline. What I heard and learned was disturbing. After listening to school officials, I have concluded that there is, in fact, at least one federal law that actually jeopardizes our schools' efforts to provide a safe learning environment. Today I am introducing legislation, the School Safety Act, to amend this law and give schools the ability to remove from the classroom students who possess weapons or threaten to use weapons in the classroom, so that we can keep our children and teachers safe.

Once enacted, this legislation will help foster a safer environment in

schools. If this legislation had been enacted years ago, would it have prevented the Littleton tragedy? It would be wrong to claim for certain that it would. The truth of the Littleton tragedy is that those involved in the massacre violated at least 13 federal laws. The existence of those 13 laws did not stop the Littleton massacre. Still, we must examine our current federal education laws involving school safety and make necessary changes.

Across America, parents, teachers, and communities have made it clear that we want our schools to offer our students a world-class education that boosts student achievement and elevates them to excellence. If children are to attain high levels of academic performance, our schools must be able to provide safe and secure learning environments free of undue disruption or violence.

When we think of school safety, we obviously turn to one element that poses a threat to a secure environment: weapons in schools.

Our general federal policy is commendable: to have zero tolerance for weapons at schools. The federal Gun-Free Schools Act requires states receiving federal education funds to have a law requiring a one year expulsion of a student who has a weapon at school. I know that my state of Missouri has such a law on the books.

We would think that the Gun-Free Schools Act settles the issue of weapons in schools. But it doesn't. This law contains an exception for nearly one in seven students in my state, and one in eight nationally. This exception is for students covered by the federal Individuals with Disabilities Education Act.

Hidden among the provisions of the Gun-Free Schools Act is section (c), entitled ''Special Rule,'' which says: ''The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.'' When you turn to the IDEA law, you see a complex and elaborate set of roadblocks and barriers that hamstring schools in applying discipline to any IDEA student for situations involving weapons possessions.

When we talk about students who are subject to the IDEA law, we are not talking about any small number of children: In Missouri, over 129,000—or nearly 14% of our 893,000 students—are classified as ''disabled.'' That's one in seven students. Nationally, there are about 12–13% of all students who are under the IDEA law. We have to keep this in mind as we talk about this issue of school discipline and safety.

We must also consider which individuals qualify as ''disabled'' under IDEA. We are not just talking about blindness, deafness, orthopedic impairments, or MS. The federal IDEA definition of disability also includes individuals with serious emotional disturbances or specific learning disabilities.

Unlike the Gun-Free Schools Act, the Individuals with Disabilities Education Act does not have a zero tolerance for students with weapons. In fact, the IDEA law makes it very difficult for schools to act effectively when a student subject to this law has a weapon at school.

While the Gun-Free Schools Act would require that any other student be expelled for a year, the ''special rule'' for an IDEA student who brings a gun or knife to school provides that he could be back in the regular classroom within 45 days.

Here is a federal law that creates dangerous situations by not allowing school officials to keep those students who have possessed weapons in school out of the classroom.

IDEA also hinders schools from taking effective action to protect their students and teachers from students who make threats to use weapons. School districts have developed policies to address student weapons threats. For example, a superintendent in my state told my office that under his school district's policy, he could suspend a student for up to 180 days for threatening to bring a weapon to school and shoot another student.

However, if that superintendent is dealing with a student under IDEA, the law makes it very difficult for him to remove the student even if he considers the student a serious threat to the safety of others. In fact, the school may be unable to remove this child from the classroom if he has already been suspended for a certain number of days during the school year.

Here is a federal law that creates dangerous situations by not allowing school officials to act on early warning signs to remove potentially violent students from school.

The costs involved with trying to keep a dangerous child out of the classroom are astronomical under IDEA. Schools have told me that the ''due process'' proceedings a parent can invoke in response to any disciplinary action taken toward a child is so expensive and time-consuming that schools do all they can to avoid these proceedings. The easiest, simplest due process hearing costs a school about $7500 in Missouri!

Not only must schools pay their own legal fees for a due process hearing under IDEA, but they also face the prospect of being responsible for the parents' attorneys fees in some cases.

Here is a federal law that discourages safe classrooms because schools cannot afford to take steps they deem essential to maintaining safety without risking serious financial jeopardy.

The problems created by IDEA are not simply theoretical. Just three weeks ago—before the Littleton incident—I traveled around Missouri to talk to parents, teachers, principals, and administrators about ways to offer each child a world class education. Again and again, I was told that schools are handcuffed by federal law in dealing with violent and dangerous behavior—often connected with weapons. Let me give you a few examples:

In one rural Missouri school, a 15-year-old IDEA student had been making numerous threats against both students and staff. He said such things as, ''I'm going to shoot you. I'm going to get a gun and blow you away.'' School officials were aware of the threats, but the federal law hindered them from taking steps they thought most appropriate to deal with the student. Unfortunately this student ended up shooting another student off school grounds. Fortunately, because he remained in the custody of law enforcement authorities, the student was not returned to the classroom. School officials in this district told me that had this student not been subject to the IDEA laws, they could have—and would have—removed him from the classroom when he made the threats of killing other students and personnel.

In an eastern Missouri school district, an IDEA student who was under school suspension was asked to leave a Friday night school dance that he tried to attend in violation of school policy. The student tried continually to regain entry into the school and said to the principal, a teacher, and a parent who was helping supervise the dance: ''I'm going to go home, get my shotgun, come back, and blow your [expletives deleted] heads off.'' The superintendent says that the federal IDEA law constrained him to return this potentially dangerous student to the classroom early the next week. If the student had not had been under IDEA, the superintendent could have imposed a far longer suspension for threatening school personnel.

I learned of a Missouri grade schooler, subject to IDEA law, who announced at school, ''I'm going to bring a knife and cut the bus driver's throat.'' Was this an idle threat? This child had transferred from another school where he had been found with a knife and was suspended for 10 days. The federal IDEA law prevents this new school from imposing any more suspensions upon this child for the rest of the school year unless he actually shows up with a weapon again!

Let me emphasize that the vast majority of disabled students under the IDEA law—just like the vast majority of nondisabled students—are good kids who don't pose discipline problems in school. However, when it comes to something as serious as a student bringing a weapon to school or threatening to kill or harm someone with a weapon, school officials must have the ability to respond in the way they believe most appropriate to maintain a safe and stable school for all children.

When I hear these incidents from Missouri schools, I cannot help but think that there is something drastically wrong with our federal education laws. We have a mass tragedy waiting to happen if federal law keeps teachers from getting teenagers with weapons out of schools. We cannot afford to keep laws on the books that preclude schools from dealing with

early warning signs of danger and handcuff them from taking swift action to prevent violence. We must give schools the power to keep our children safe by allowing them to remove all students who have weapons or threaten to use them.

Schools all over my state have told me that they need the authority to discipline all students in a fair and consistent manner—for the safety of their schools and for the benefit of disabled children. Here are some examples of what schools have told me:

Maynard Wallace, Superintendent of the Ava R-I School District, has written: ''The discipline code must be the same for all if public education is to survive.'' He says that treating children with handicaps differently than other children in the area of discipline ''not only undermines the entire discipline of the school but is a definite disservice to the handicapped child as well.''

Betty Chong, Assistant Superintendent for Special Services in the Cape Girardeau school district, writes: ''The educators are themselves advocates for children with disabilities. . . . Special educators directors and many principals were first teachers who were dedicated (and still are) to the education of students with disabilities.'' She goes on to say: ''Students with disabilities are held to the same standards as students without disabilities when they are adults. When do they learn how to be law abiding citizens?''

Lyle Laughman, the superintendent of the Lincoln County R-IV school district has written: ''It is in the total best interest of the child and society for that [discipline] determination to be made on the local, individual case level rather than the Federal law which greatly restricts what a school can do in an individual set of circumstances.''

Dale Walkup, Board of Education President of the Blue Springs School District gave me a copy of a letter he sent to President Clinton which says, ''The reauthorization of IDEA has not supported impartial and appropriate consequences for those students who choose drugs and are violent or dangerous to others. We hope the IDEA regulations become more reasonable, appropriate, and considerate of the needs of our total student population.''

In response to both the incidents and recommendations that I have heard from schools, I am introducing the School Safety Act, which will allow schools to remove from the classroom any student who has a weapon or threatens to use a weapon at school. This legislation, which has been endorsed by the Missouri School Boards Association, will repeal the federal law that handcuffs schools from taking measures they believe appropriate to maintain a safe and secure learning environment for students and teachers.

A safe and secure setting is vital to success in the classroom. Any student who has a weapon at school, or who threatens to kill or harm someone with a weapon, should be removed from the classroom immediately. Whether a student is ''disabled'' under federal law should not prevent school administrators from dealing appropriately with weapons in school. We can no longer afford to keep a federal law that threatens the safety of the classroom. We can no longer afford to tolerate federal policy that invites a mass tragedy. Under the School Safety Act, schools will be empowered with the flexibility and authority they need to remove any dangerous and violent student from the classroom when weapons are involved.

This is not the first time I have introduced school safety legislation since I have been in the Senate. I have already worked to make improvements in the federal law to create a safer learning environment for students and teachers.

I began working on this issue in 1995, after a young woman was found dead in the restroom of a North St. Louis County high school. The male special education student convicted of murdering the woman had a history of dangerous behavior, but his discipline record hadn't been disclosed to his new school. In response to this situation, I sought for ways to give schools the crucial information they need to maintain a secure school environment. I authored legislation signed into law in June 1997 providing for the transfer of discipline records when students with dangerous behavior change schools.

In the recent ''ed-flex'' bill signed into law on April 29, 1999, I secured a provision that closes a loophole in federal law concerning weapons possession in school. Missouri school board officials had alerted me to a federal provision that allows a school to discipline a student only for carrying a weapon onto school grounds, but not for possessing a weapon at school. In response to this concern, I had the law amended to ensure that school officials can remove a student from the classroom whether he possesses—or carries—a weapon at school.

The legislation I am offering today builds upon this previous safe schools legislation by giving schools authority to remove any student from the classroom if he or she brings a weapon to school or threatens to kill or harm someone with a weapon.

Mr. President, a little over a year ago, the Senator from Washington, Senator GORTON, read from an editorial in the Seattle Post Intelligencer that recounted the story of a disabled student who attacked other students with a knife on a school bus. The editorial pointed out the disparities caused by the federal IDEA laws. It said: ''If the school district really is required by law to allow students back into class who carry weapons or otherwise have demonstrated intent to harm others, that law is in error and must be changed.''

I could not agree more with this editorial. It is time to change this erroneous law, which jeopardizes students and teachers by forcing school officials to ignore early warning signs of disaster. Maintaining a safe learning environment requires that local school officials have the authority and flexibility to discipline all students in an equitable and effective manner, especially when it comes to weapons. Let's unshackle our teachers, principals, superintendents, and school boards from a law that prevents them from keeping our children safe and secure. Let's give them the power to stop a tragedy before it happens.

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. 969

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 ''School Safety Act of 1999''.

SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individual with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii), by striking ''45 days if—'' and all that follows through ''(II) the child'' and inserting ''45 days if the child'';

(2) in paragraph (2), by striking ''A hearing'' and inserting ''Except as provided in paragraph (10), a hearing'';

(3) by redesignating paragraph (10) as paragraph (11);

(4) by inserting after paragraph (9) the following new section:

''(10) EXPULSION OR SUSPENSION WITH RESPECT TO WEAPONS.—

''(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO WEAPONS.—Notwithstanding any other provision of this Act, school personnel may suspend or expel a child with a disability who—

''(i) carries or possesses a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or

''(ii) threatens to carry, possess, or use a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

in the same manner in which such personnel would suspend or expel a child without a disability.

''(B) DEFINITIONS.—For the purposes of this paragraph:

''(i) WEAPON.—The term 'weapon' has the meaning given the term under applicable State law.

''(ii) THREATENS TO CARRY, POSSESS, OR USE A WEAPON.—The term 'threatens to carry, possess, or use a weapon' includes behavior in which a child verbally threatens to kill another person.

''(C) FREE APPROPRIATE PUBLIC EDUCATION.—

''(i) CEASING TO PROVIDE EDUCATION.—A child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including, but not limited to a free appropriate public education, under this Act, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child

does not require a child without a disability to receive educational services after being suspended or expelled.

''(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses, then—

(I) nothing in this Act shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

(II) the site where the local educational agency provides the services shall be left to the discretion of the local educational agency.

(5) in paragraph (11) (as redesignated in paragraph (3)), by striking subparagraph (D).

(b) CONFORMING AMENDMENTS.—

(1) Section 612(a)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(1)(A)) is amended by inserting before the period ''(except as provided in section 615(k)(10))''.

(2) Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by inserting at the beginning of the first sentence ''Except as provided in section 615(k)(10),''.

SEC. 3. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.

Subsection (c) of section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended to read as follows:

''(c) SPECIAL RULE.—Notwithstanding any other provision of this section, this section shall be subject to section 615(k)(10) of the Individual with Disabilities Education Act (20 U.S.C. 1415(k)(10)).''.

ADDITIONAL COSPONSORS

S. 42

At the request of Mr. HELMS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 196

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 196, a bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years.

S. 206

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 206, a bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes.

S. 285

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

S. 343

At the request of Mr. BOND, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 345

At the request of Mr. ALLARD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 398

At the request of Mr. CAMPBELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 512

At the request of Mr. GORTON, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Mississippi (Mr. T4Cochran), the Senator from Delaware (Mr. BIDEN), the Senator from Maine (Ms. SNOWE), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. BRYAN), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 566

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 600

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 600, a bill to combat the crime of international trafficking and to protect the rights of victims.

S. 631

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 659

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 697

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 697, a bill to ensure that a woman can designate an obstetrician or gynecologist as her primary care provider.

S. 752

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 752, a bill to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population, and for other purposes.

S. 757

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 805

At the request of Mr. DURBIN, the name of the Senator from California