

H. Con. Res. 426. Concurrent resolution concerning the violence in the Middle East.

The message further announced that the House has passed the following bill, without amendment:

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

At 5:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 6:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

#### ENROLLED BILL SIGNED

At 7:24 p.m. a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-630. A resolution adopted by the Board of County Commissioners, Cuyahoga County, Ohio relative to the Ryan White CARE Act programs; to the Committee on Appropriations.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2001" (Rept. No. 106-508).

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ROTH for the Committee on Finance.

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. BOXER:

S. 3232. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in California for the use or reuse of reclaimed water and for the design and construction of demonstration and permanent facilities for that purpose, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 3233. A bill to amend title XVIII of the Social Security Act to provide for medicare beneficiary copayments for outpatient mental health services that are the same as beneficiary copayments for other part B services, and for other purposes; to the Committee on Finance.

By Mr. BREAUX (for himself and Mrs. HUTCHISON):

S. 3234. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 3235. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

By Mr. BOND:

S. 3236. A bill to provide for reauthorization of small business loan and other programs, and for other purposes; to the Committee on Small Business.

By Mr. MCCAIN:

S. 3237. A bill to provide for an international scientific commission to assess changes in global climate patterns, to conduct scientific studies and analyses on behalf of nations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 3238. A bill to amend the Public Health Service Act to provide protections for individuals who need mental health services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for Mr. HELMS (for himself and Mr. KENNEDY)):

S. 3239. A bill to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees; considered and passed.

By Mr. DOMENICI:

S. 3240. A bill to avoid a pay-go sequestration for fiscal year 2001; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

By Mr. KERRY (for himself, Mr. MCCAIN, Mr. KERREY, Mr. HAGEL, Mr. ROBB, and Mr. CLELAND):

S. 3241. A bill to carry out an international fellowship program between the United States and Vietnam to enable Vietnamese

nationals to pursue advanced studies in science, mathematics, medicine, and technology; to enable United States citizens to teach in those fields in Vietnam; and to promote reconciliation between the two countries; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. DASCHLE, Mr. JEFFORDS, and Mr. JOHNSON):

S. 3242. A bill to amend the Consolidated Farm and Rural Development Act to encourage equity investment in rural cooperatives and other rural businesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. BOXER:

S. 3232. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in California for the use or reuse of reclaimed water and for the design and construction of demonstration and permanent facilities for that purpose, and for other purposes; to the Committee on Energy and Natural Resources.

#### CALIFORNIA RECLAIMED WATER ACT FOR THE 21ST CENTURY

Mrs. BOXER. Mr. President, today I am proud to introduce the California Reclaimed Water Act for the 21st century. As California takes its first steps into the 21st century, it is undeniable that the quality of water, the quantity of water, and the availability of water are among the most formidable challenges to our 34 million citizens and the many diverse regions of our fast growing state. Our farmers, urban dwellers, sport and commercial fishing interests, tribes, mountain communities and environmentalists all seek a more reliable and a more certain water future. Recycled water plays an important part in meeting California's water needs today and will play an even more important role in the next several decades.

California is making significant progress in its effort to put its water house in order. Between March and June of this year, two major water policy initiatives occurred in California. On March 7, 2000, California voters overwhelmingly approved a \$2 billion water bond. Further, on August 28, 2000, Governor Gray Davis and Interior Secretary Bruce Babbitt signed the landmark CALFED water agreement which broadly sets a course for California's water future. Water recycling and reuse is a major element of both these new actions and policies.

The existing federal program to support water recycling is found in title XVI, Public Law 102-575 and was enacted in 1992. The law authorized recycling projects and studies throughout California, including in Los Angeles, San Diego, San Jose, and San Francisco. The law also authorized projects in Colorado and Arizona. The 1992 law also called for a special Southern California Comprehensive Water Reclamation and Reuse study to investigate

how the use of recycled water could relieve water supply pressure in California. That study is being prepared by the U.S. Bureau of Reclamation, State of California's Department of Water Resources, Metropolitan Water District of Southern California, Central Basin and West Basin Municipal Water Districts, City of Los Angeles, City of San Diego, San Diego Water Authority, Santa Ana Watershed Project Authority and the South Orange County Reclamation Authority. It should soon be completed.

Expressing continued support for the title XVI program, in 1996 Congress authorized a second group of water recycling projects in California, from Watsonville to Ventura County, and from Pasadena to Orange County, plus individual projects in Utah, New Mexico, Texas and Nevada. The legislation I introduce today builds upon these congressional efforts, voter ballot initiatives and agency studies. The bill authorizes a series of title XVI water recycling projects and directs the Secretary of the Interior to work with various water districts throughout the State including: Castaic Lake Water Agency Reclaimed Water Project Lake County, Clear Lake Basin Water Reuse Project East Bay Municipal Utility District and the San Ramon Serves District Recycled Water Project Inland Empire Utilities Agency, Inland Empire Regional Water Recycling Project in San Bernardino County San Pablo Baylands Water Reuse Project in Sonoma, Napa, Marin and Solano Counties State of California Water Recycling Program Regional Brine Lines (salt removal) in Southern California, the San Francisco Bay and the Santa Clara Valley areas Chino Basin Watermaster, Inland Empire Utilities Agency, Western Municipal Water District and the Santa Ana Watershed Project Authority for the Lower Chino Dairy Area Desalination Demonstration and Reclamation Project.

Additional research, in cooperation with the WaterReuse Foundation, is mandated and two previously authorized projects, one in Los Angeles and the other in the San Gabriel Basin, are modified. Finally, my bill mandates that the proposed projects be coordinated with the CALFED Program. Taken together, these projects will have the capacity to produce hundreds of thousands of acre feet of water. The Inland Empire Regional Water Recycling Project, for example, is designed to yield up to 66,000 acre feet of recycled water annually. Each acre foot of recycled water reduces the demand for imported water from the Bay-Delta and the Colorado River. Inland proposed to "drought proof" its region with these and related investments.

Beneficiaries of these projects and these investments include the immediate service areas, downstream neighbors, and towns and communities throughout California. Water recycling projects in California also reduce the demand for imported water, be it from the San Francisco Bay-Delta or the Colorado River. Recycling and reuse in-

vestments in Southern California have the effect of helping the Bay-Delta by reducing demand for additional imported Bay-Delta water. These same investments benefit California's neighboring states up and down the Colorado River. As more water is developed locally, pressure is reduced for imports.

Presently, negotiations are underway between California and the other six states of the Colorado River Basin. California is being asked to reduce the amount of water it takes from the Colorado River. In fact, as a result of these talks, California faces a reduction of some 800,000 acre feet. The water recycling projects proposed in this legislation can help California meet this challenge. As a result, Utah, Colorado, Nevada and Arizona also benefit from these programs. Unlike traditional Bureau of Reclamation water projects, these water recycling projects require a majority of funds to be locally provided. Consistent with title XVI limitations on recycling projects as authorized in 1992 and 1996, the projects proposed in my bill require 75 percent local funding. Federal cost sharing is limited to 25 percent. Moreover, this bill specifies that none of the funds can be used for annual operation and maintenance costs. Those annual expenses are the responsibility of the local water districts or management agency.

The water recycling projects authorized by my bill are part of a long-term solution to some of California's most difficult challenges. Water recycling is not the only solution. But, water recycling and water reuse can play a significant part as these projects can be designed, built, and placed on line within a short time. This bill helps communities throughout California. This bill helps communities in Southern California, reducing pressure on the Bay-Delta water supplies. And, this bill respects our neighboring states up and down the Colorado River. I ask unanimous consent that this legislation be printed in the RECORD.

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

S. 3232

*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 "California Reclaimed Water Act for the 21st Century".

#### SEC. 2. COORDINATION OF PROJECTS AND PROGRAMS.

Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following:

"(e) COORDINATION WITH CALFED BAY-DELTA PROGRAM.—

"(1) IN GENERAL.—The Secretary shall coordinate projects under this title with projects and programs under the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104-208; 110 Stat. 3009-748).

"(2) FEDERAL EXPENDITURES.—The Secretary shall take into account Federal expenditures under this title in making determinations under the CALFED Bay-Delta

Program relating to the equitable implementation of ecosystem restoration and water management.

"(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Each project under this title shall be carried out in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)."

#### SEC. 3. AUTHORIZATIONS.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by inserting after section 1601 the following:

##### "Subtitle A—Specific Projects";

(2) by redesignating sections 1631, 1632, 1633, and 1634 (43 U.S.C. 390h-13, 390h-14, 390h-15, 390h-16) as sections 1640, 1671, 1672, and 1631, respectively;

(3) by moving section 1631 (as redesignated by paragraph (2)) to follow section 1630;

(4) by inserting before section 1671 (as redesignated by paragraph (2)) the following:

##### "Subtitle B—Studies and Research";

(5) by inserting after section 1631 (as redesignated by paragraph (2)) the following:

#### "SEC. 1632. CASTAIC LAKE WATER AGENCY RECLAIMED WATER PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Castaic Lake Water Agency, California, may participate in the design, planning, and construction of the Castaic Lake Water Agency reclaimed water project, California, to reclaim and reuse wastewater within and outside the service area of the Castaic Lake Water Agency for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

#### "SEC. 1633. CLEAR LAKE BASIN WATER REUSE PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with Lake County, California, may participate in the design, planning, and construction of the Clear Lake Basin water reuse project to obtain, store, and use reclaimed wastewater in Lake County for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$9,000,000.

#### "SEC. 1634. SAN RAMON VALLEY RECYCLED WATER PROJECT.

"(a) IN GENERAL.—The Secretary may provide design and construction assistance for the East Bay Municipal Utility District/Dublin San Ramon Services District advanced wastewater reuse treatment project, California, for use for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

**“SEC. 1635. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.**

“(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional project described in the report submitted under section 1606 to recycle water for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

**“SEC. 1636. SAN PABLO BAYLANDS WATER REUSE PROJECTS.**

“(a) IN GENERAL.—The Secretary, in cooperation with Sonoma, Napa, Marin, and Solano Counties, California, may participate in the design, planning, and construction of water reuse projects, to be known collectively as the ‘San Pablo Baylands water reuse projects’, to obtain, store, and use reclaimed wastewater for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

“(b) COST SHARING.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

**“SEC. 1637. CALIFORNIA WATER RECYCLING PROGRAM.**

“(a) IN GENERAL.—The Secretary may provide assistance to the State of California in carrying out projects that receive funding under chapter 7, article 4, of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of the State of California to recycle water for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

“(b) AGREEMENTS.—The Secretary may enter into such agreements as are necessary to carry out this section.

“(c) COST SHARING.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

“(e) AUTHORIZATION OF APPROPRIATIONS.—Upon approval of the Act referred to in subsection (a), there is authorized to be appropriated to carry out this section \$50,000,000.

**“SEC. 1638. REGIONAL BRINE LINES.**

“(a) IN GENERAL.—

“(1) SOUTHERN CALIFORNIA.—The Secretary, in cooperation with units of local government, may carry out a program under the Federal reclamation laws to assist agencies in projects to construct regional brine lines to export the salinity imported from the Colorado River to the Pacific Ocean as identified in—

“(A) the Salinity Management Study prepared by the Bureau of Reclamation; and

“(B) the Southern California Comprehensive Water Reclamation and Reuse Study prepared by the Bureau of Reclamation.

“(2) SAN FRANCISCO BAY AND SANTA CLARA VALLEY.—The Secretary may carry out a study of, and a program under the Federal reclamation laws to assist water agencies in, projects to construct regional brine lines in the San Francisco Bay area and the Santa Clara Valley area, California.

“(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

“(c) COST SHARING.—

“(1) PROJECTS.—The Federal share of the cost of a project to construct regional brine lines described in subsection (a) shall not exceed—

“(A) 25 percent of the total cost of the project; or

“(B) \$50,000,000.

“(2) STUDY.—The Federal share of the cost of the study described in subsection (a)(2) shall be 50 percent.

“(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

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

**“SEC. 1639. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

“(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, the Western Municipal Water District, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

“(1) 25 percent of the total cost of the project; or

“(2) \$50,000,000.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”; and

(6) by inserting after section 1672 (as redesignated by paragraph (2)) the following:

**“SEC. 1673. RESEARCH CONCERNING WATER REUSE.**

“(a) IN GENERAL.—The Secretary, in cooperation with the WaterReuse Foundation, shall develop and carry out a program to conduct research concerning water reuse in relation to—

“(1) public health;

“(2) water quality;

“(3) new technology and techniques;

“(4) salt management;

“(5) economics;

“(6) ecosystem restoration; and

“(7) other important matters.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000 for each of fiscal years 2001 through 2005, to remain available until expended.”.

**SEC. 4. WEST BASIN COMPREHENSIVE DESALINATION DEMONSTRATION PROGRAM.**

Section 1605 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-3) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) WEST BASIN COMPREHENSIVE DESALINATION DEMONSTRATION PROGRAM.—

“(1) IN GENERAL.—The Secretary, in cooperation with the West Basin Municipal Water District, shall participate in the planning, design, and construction of the components of the West Basin Comprehensive Desalination Demonstration Program in Los Angeles County, California.

“(2) FEDERAL SHARE.—The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

“(3) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the components described in paragraph (1).”.

**SEC. 5. PROJECT MODIFICATIONS.**

(a) LOS ANGELES AREA.—Section 1613 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-11) is amended by striking subsection (b) and inserting the following:

“(b) WATER RECYCLING PROJECT.—

“(1) IN GENERAL.—The Secretary may participate in the design, planning, and construction of a water recycling project, to be known as the ‘City of Los Angeles Water Recycling Program’, to reclaim and reuse wastewater within the city of Los Angeles and surrounding area for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

“(2) COMPONENTS.—The water recycling project shall consist of—

“(A) the central city project, a multiphase project that may provide up to 4,000 acre-feet per year of recycled water for ecosystem restoration and for industrial, commercial, and irrigation customers near downtown Los Angeles; and

“(B) the harbor water recycling project, a multiphase project that may provide up to 25,000 acre-feet per year of recycled water to the Los Angeles Harbor area.

“(c) COST SHARING.—

“(1) IN GENERAL.—The Federal share of the cost of the projects described in subsections (a) and (b) shall not exceed 25 percent of the total cost of the projects.

“(2) MAXIMUM FEDERAL SHARE.—The Federal share with respect to the water recycling project described in subsection (b) shall not exceed \$12,000,000.

“(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a) or (b).”.

(b) SAN GABRIEL BASIN.—Section 1640(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13(d)) (as redesignated by section 3(a)(2)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) in paragraph (2), by inserting “(other than section 1614)” after “this title”; and

(3) by adding at the end the following:

“(3) SAN GABRIEL BASIN.—In the case of the project authorized by section 1614, the Federal share of the cost of the project shall not exceed \$50,500,000.”.

**SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) The Reclamation Wastewater and Groundwater Study and Facilities Act is amended—

(1) in section 1640 (43 U.S.C. 390h-13) (as redesignated by section 3(a)(2))—

(A) in subsection (a), by striking “1630” and inserting “1632”; and

(B) in subsection (d)(1), by inserting “(other than sections 1634, 1636, 1637, 1638, and 1639)” after “authorized by this title”;

(2) in section 1671(c) (43 U.S.C. 390h-14(c)) (as redesignated by section 3(a)(2)), by striking "section 1633" and inserting "section 1672"; and

(3) in section 1672 (43 U.S.C. 390h-15) (as redesignated by section 3(a)(2))—

(A) in the section heading, by inserting **"FOR GROUNDWATER STUDY"** before the period; and

(B) by striking "section 1632" and inserting "section 1671".

(b) The table of contents in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371; Public Law 102-575) is amended—

(1) by inserting after the item relating to section 1601 the following:

"Subtitle A—Specific Projects";

and

(2) by striking the items relating to sections 1631 through 1634 and inserting the following:

"Sec. 1631. Willow Lake Natural Treatment System Project.

"Sec. 1632. Castaic Lake Water Agency reclaimed water project.

"Sec. 1633. Clear Lake Basin water reuse project.

"Sec. 1634. San Ramon Valley recycled water project.

"Sec. 1635. Inland Empire regional water recycling project.

"Sec. 1636. San Pablo Baylands water reuse projects.

"Sec. 1637. California water recycling program.

"Sec. 1638. Regional brine lines.

"Sec. 1639. Lower Chino Dairy Area desalination demonstration and reclamation project.

"Sec. 1640. Authorization of appropriations.

"Subtitle B—Studies and Research

"Sec. 1671. Groundwater study.

"Sec. 1672. Authorization of appropriations for groundwater study.

"Sec. 1673. Research concerning water reuse.".

Mr. WELLSTONE.

S. 3233. A bill to amend title XVIII of the Social Security Act to provide for Medicare beneficiary copayments for outpatient mental health services that are the same as beneficiary copayments for other part B services, and for other purposes; to the Committee on Finance.

MEDICARE MENTAL HEALTH MODERNIZATION ACT  
OF 2000

Mr. WELLSTONE. Mr. President, I rise today to introduce the Medicare Mental Health Modernization Act, a bill to improve the delivery of mental health services through the Medicare health care system. This improvement and modernization of mental health services in the Medicare system is long overdue, as it has remained virtually unchanged since it was enacted by Congress in 1965. In the 35 years since then, the scientific breakthroughs in our understanding of mental illnesses and the enormous improvements in medications and other effective treatments have dramatically changed our understanding and treatment of mental illness. Yet, the health care systems, both public and private, lag behind in its treatment of this potentially life-threatening disease, one that affects the young and the old. As we work to improve health care for all Americans,

in all health care systems, the ever-growing population of older Americans make it all the more urgent that we bring the Medicare system into the 21st century, and bring mental health care to those in need.

Though they are so often not recognized, mental health problems among the elderly are widespread and life-threatening. Americans aged 65 years and older have the highest rate of suicide of any population in the United States, and suicide rates increase with age. While this age group accounts for only 13 percent of the U.S. population, Americans 65 and older account for 20 percent of all suicide deaths. All too often, depression among the elderly is untreated or inappropriately treated, and this disease and other illnesses such as Alzheimer's disease, anxiety, late-life schizophrenia, can lead to severe impairment or death.

Major depression is strikingly prevalent among older people, with between 8 and 20 percent of older people in community studies showing symptoms of depression. Studies of patients in primary care settings show that up to 37 percent are experiencing such symptoms, although they often go untreated. Depression is not a normal part of aging, but a serious debilitating disease. Almost 20 percent of the population of individuals age 55 and older experience a serious mental disorder. What is most alarming is that most elderly suicide victims—70 percent—have visited their primary care doctor in the month prior to their completed suicide. It is critical that the mental health expertise that is needed be provided within the Medicare system, and that screening, diagnosis, and treatment be provided in a timely manner.

Medicare coverage for mental health services is markedly different from other outpatient services. In order to receive mental health care, seniors must pay, out of their own pockets, half the cost of a visit to their mental health specialist, an extremely unfair burden to place on the elderly, who are so often facing other health or life difficulties as well.

We know too that substance abuse, particularly of alcohol and prescription drugs, among adults 65 and older is one of the fastest growing health problems in the United States, with 17 percent of this age group suffering from addiction or substance abuse. While addiction often goes undetected and untreated among older adults, aging and disability only makes the body more vulnerable to the effects of these drugs, further exacerbating underlying health problems, and creating a serious need for treatment that recognizes these vulnerabilities.

Medicare also provides health care coverage for non-elderly individuals who are disabled, through Social Security Disability Insurance, SSDI. According to the Health Care Financing Agency, HCFA, Medicare is the primary health care coverage for the 5 million non-elderly, disabled people on

SSDI. Up to 40 percent of these individuals have a diagnosis of mental illness and/or addiction, and also face severe discrimination in their mental health coverage.

What will my bill do? The Medicare Mental Health Modernization Act has several important components. First, the bill reduces this discriminatory 50 percent copayment for mental health care to 20 percent, which is equal to the level that applies to every other outpatient service in Medicare. This is straightforward, fair, and the right thing to do. By doing so, this provision will increase access to mental health care overall, especially for those who currently forego seeking treatment, and instead, find themselves suffering from worsening mental health conditions. Secondly, the bill adds intensive residential services to the Medicare mental health benefit package. This provision will give people suffering from mental illnesses such as Alzheimer's disease or late-life schizophrenia an alternative to going to nursing homes. Instead, they will be able to be cared for in their homes or in more appropriate residential settings. I also ask the Secretary for Health and Human Services to conduct a study of the current Medicare coverage criteria to determine the extent to which people with these forms of illnesses are receiving the appropriate care that is needed.

Finally, my bill expands the number of mental health professionals eligible to provide services through Medicare to include clinical social workers and licensed professional mental health counselors. Provision of adequate mental health services provided through Medicare requires more trained and experienced providers for the aging and growing population and should include those who are appropriately licensed and qualified to deliver such care.

These changes are needed now. The mental health groups most concerned with Medicare improvement are strongly supportive of this bill, including, among others, the American Counseling Association, the National Alliance for the Mentally Ill, the National Mental Health Association, the American Psychological Association, the Bazelon Center for Mental Health Law, and the National Association of State Mental Health Program Directors. The U.S. Surgeon General David Satcher recognized the urgency in his recent reports on mental health: "Mental Health: A Report of the Surgeon General" and "The Surgeon General's Call to Action to Prevent Suicide". Dr. Satcher stated, "Disability due to mental illness in individuals over 65 years old will become a major public health problem in the near future because of demographic changes. In particular, dementia, depression, and schizophrenia, among other conditions, will all present special problems for this age group."

For too long we have continued to neglect those with mental illness in

our society, and the Medicare system is no exception. I urge your cosponsorship of this bill as we begin our work in this new century. It is time to treat the elderly in our society, particularly those with serious, debilitating diseases, with the care, respect, and fairness they deserve.

By Mr. BREAUX (for himself, and Mrs. HUTCHISON):

S. 3234. A bill to protect the public's ability to fish for sport, and for other purposes, to the Committee on Commerce, Science, and Transportation.

#### THE FREEDOM TO FISH ACT

Mr. BREAUX. Mr. President, I rise today to send to the desk a bill that is called the Freedom to Fish Act. The legislation cosponsored by Senator HUTCHISON addresses an unsettling situation arising over access to our nation's public coastal resources. I understand that it is very late in the session to be introducing new legislation, but I believe this matter is significantly important to require immediate recognition. There is a growing movement to limit the use and enjoyment of America's coastal and ocean waters. This restriction of public access is occurring under the guise of the establishment of marine protected areas. Many in the environmental community are lauding the creation of these undersea national parks as the silver bullet solution to our over-exploited fisheries and degraded habitat. The bill I am introducing today aims to correct a system that would unfairly penalize our nation's approximately ten million marine recreational anglers. For while I support the goal of healthy marine fisheries, I disagree strongly with any method that unnecessarily limits our citizens' access to public waters.

I believe that my record clearly indicates my dedication to protecting and improving the health of our oceans and coasts. However, I believe that restricting public access to those waters is not the appropriate vehicle for accomplishing that goal in most cases. The notion of a marine park is certainly not new, having its origins in successful land management practices. The establishment of wildlife refuges, national parks and forests has shown clear benefits to the natural species living on those lands and fresh waters. However, in the transfer from the land to the marine waters one very important aspect of the protected area has been neglected. While sport fishing is nearly universally accepted throughout this nation's terrestrial parks, and wilderness areas, those advocating the use of marine parks take pains to specifically restrict the access of recreational anglers. This seems ironic to me, as an increasing number of recreational anglers practice catch and release fishing and all contribute money to their state's fish and game departments through the payment of license fees and taxes. I believe these anglers to be among this nation's first conservationists and their contributions to the resource need to be recognized.

In response to criticism and attacks against our Nation's sportsmen and women, I introduce the Freedom to Fish Act. The act establishes guidelines and safeguards by which the public's right to use and enjoy these resources is preserved in all but the most serious cases. It provides assurances that the angling public will have a place at the table when decisions are made regarding their use of the resource. Second, the Freedom to Fish Act will ensure that recreational anglers will be prohibited from an area only when they have been shown to be causing significant adverse effects on that fishery resource. Further, should prohibitions be justified, this bill prevents areas larger than scientifically necessary from being closed. In those cases, criteria will be established so that once certain goals have been reached, the area will reopen to the public immediately. Restricting public admission to our coastal waters should not be our first course of action, but rather our last resort. Open access to fishing is the single most important element of recreational fishing. We must defend public access against those that would try to restrict it under the cloak of marine resource protection. With that, I submit the Freedom to Fish Act for your review and discussion.

Mr. MCCAIN (for himself and Mr. BURNS):

S. 3235. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

#### TELECOMMUNICATIONS OWNERSHIP DIVERSITY ACT OF 2000

Mr. MCCAIN. Mr. President, I rise today to introduce revised legislation that will make sure that new entrants and small businesses will have the chance to enter and grow in today's megacorporation-dominated telecommunications marketplace. Together with my good friend and colleague, Communications Subcommittee Chairman CONRAD BURNS, I am pleased to bring forward for the Senate's consideration The Telecommunications Ownership Diversity Act of 2000.

Mr. President, no one needs to be told that any small business faces significant barriers in trying to enter the telecommunications industry. These barriers are even more formidable when the entrepreneur happens to be a woman or a member of a minority group, due to their historically more difficult job of obtaining needed financing. Therefore, in this current telecom industry mixer, small businesses, especially those owned by minorities or women, are often left without partners, watching as bigger, more established companies, get to dance.

That's not right, but there is an answer. The answer isn't to forbid mergers out-of-hand, or to retain hopelessly outdated FCC ownership restrictions, or to pursue constitutionally or economically doomed set-aside programs. The answer is to give established industry players economic incentives to deal with new entrants and small businesses that counterbalance the incentives they have to deal with larger companies.

And that's what this bill does. The Telecommunications Ownership Diversity Act of 2000 will promote entry into the telecommunications industry during this period of unprecedented restructuring by providing carefully-limited changes to the tax law. These changes to the tax law are an indispensable component of the solution. Under current law, smaller companies typically must purchase properties for cash, and cash transactions are fully taxable to the seller. So naturally sellers of telecommunications businesses prefer to sell for stock, which is tax-deferred, and which large companies have to offer.

The Act will level the playing field for new entrants and small businesses by giving telecommunications business sellers a tax deferral when the property is bought for cash by a small business telecommunications company. The Act will also encourage the entry of new players and the growth of existing small businesses by enabling the seller of a telecommunications business to claim the tax deferral on capital gains if it invests the proceeds of any sale of its business in purchasing an interest in an eligible small business.

In recognition of the convergence of telecommunications services and the growing importance of wireless and other services as an essential component of the telecommunications market, the telecommunications businesses eligible for this capital gains tax deferral are broadly defined to include not only broadcast and cable TV-type businesses, but also wireline and wireless telephone service providers and resellers. To eliminate the potential for abuse, the Act would require the eligible purchaser to hold any property acquired for three years, during which time it could only be sold to an unrelated eligible purchaser. The General Accounting Office is required to thoroughly audit and report on the administration and effect of the Act every two years.

Mr. President, this legislation represents a significant step toward helping to ensure that small companies share a portion of the investment benefits our tax laws give to major telecommunications companies. Over the next several months, we look forward to working with interested organizations to further refine this legislation. Specifically, we would welcome comments on how to further refine the concepts of qualified telecommunications business and eligible purchaser so as to ensure that this legislation meets its

goals in the most fair and effective manner. Moreover, we note that this legislation contains a "control" test that is intended to ensure that this legislation is not subject to abuse—and actually benefits those that it is intended to help. We recognize, however, that this control test may also need to be refined as we go forward.

Mr. President, hallmark developments in the telecommunications industry have been made by gifted individuals with small companies and unlimited vision. In this sense the telecommunications industry is a true microcosm of the American free-market system, in which the benefits produced by its entrepreneurs generate benefits that extend to all of us. It is therefore critically important that new entrants and small businesses have a chance to participate across the broad spectrum of industries that will make up the telecommunications industry in the Information Age. The Act will help them do that, and Senator BURNS and I are proud to sponsor it and to work for its enactment.

By Mr. MCCAIN:

S. 3237. A bill to provide for an international scientific commission to assess changes in global climate patterns, to conduct scientific studies and analyses on behalf of nations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL CLIMATE CHANGE SCIENCE  
COMMISSION ACT

Mr. MCCAIN. Mr. President, this bill provides for the creation of an international scientific commission to assess changes in global climate patterns and to conduct scientific studies and analysis on behalf of the nations of the world.

The Commerce Committee held three hearings on the subject of climate change this year. We heard from several witnesses on the science of global warming, the impacts of climate change on the United States, and solutions to climate change.

One of the most salient points of the three hearings was the importance of good science to the policymaking process. Most importantly, any action the United States takes in response to claims of global warming must be based on the best science available and not on rhetoric or political expedience. We must continue to invest in our research capabilities to fully understand the scientific interactions between humans, the land, the ocean, and the atmosphere.

Based upon testimonies received by the Commerce Committee, the knowledge base in some countries is far greater than in others. To solve this global problem of climate change, we must rely upon all the resources and knowledge available to us. We must ensure that the United States research program is providing the maximum returns on our investment dollars. It was both surprising and disappointing to

see that for a recent assessment of the United States, we had to rely upon two foreign computer models. We must do better.

Mr. President, I feel it is of vital importance that we allow scientists the opportunity to pursue knowledge as opposed to being constrained by politics. In introducing this bill entitled, International Climate Change Science Commission Act, it is my hope and intention that the membership of the Commission will be filled by those who are scientists and fully appreciate the pursuit of truth and knowledge. I hope this commission will provide them with an opportunity to freely research, discuss, and document their scientific findings.

Mr. President, I realize this bill will not pass this session. However, it is my hope that by introducing this bill a discussion will begin in the scientific community of how to better structure this piece of legislation and to ensure that the best available science is used for policy decisions. After discussions with the scientific community, I intend to re-introduce this bill or a new version of the measure next session and hopefully then move towards its enactment.

I also plan to offer other pieces of legislation next year in this area. There are several types of actions that may be taken to address this situation as indicated in the Commerce Committee's hearing, "Solutions to Climate Change," held on September 21, 2000.

Mr. DURBIN:

S. 3238. A bill to amend the Public Health Service Act to provide protections for individuals who need mental health services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE MENTAL HEALTH ACCESS ACT OF 2000

Mr. DURBIN. Mr. President, today I am introducing legislation on behalf of the more than 50 million Americans each year who suffer from mental illness. This bill, the Mental Health Access Act, removes one of the many barriers to health care faced by those who have been treated for a mental condition.

The Mental Health Access Act limits the ability of health plans to redline individuals with a preexisting mental health conditions. I undertook this initiative when I learned that some of my constituents were being turned away from health plans in the private non-group market due solely to a past history of treatment for mental conditions. Unfortunately, under the current system of care in the United States, individuals who are undergoing treatment or have a history of treatment for mental illness may find it difficult to obtain private health insurance, especially if they must purchase it on their own and do not have an employer-sponsored group plan available to them. In part this is because while the Health Insurance Portability and Accountability Act (HIPAA) protects

millions of Americans in the group health insurance market, it affords few protections for individuals who apply for private non-group insurance.

The Mental Health Access Act closes this loophole by limiting any pre-existing condition exclusion relating to a mental health condition to not more than 12 months and reducing this exclusion period by the total amount of previous creditable coverage. It prohibits any health insurer that offers health coverage in the individual insurance market from imposing a pre-existing condition exclusion relating to a mental health condition unless a diagnosis, medical advice or treatment was recommended or received within the 6 months period to the enrollment date. And it prohibits health plans in the individual market from charging higher premiums to individuals based solely on the determination that the such individual has had a preexisting mental health condition. These provisions apply to all health plans in the individual market, regardless of whether a state has enacted an alternative mechanism (such as a risk pool) to cover individuals with preexisting health conditions.

The Mental Health Access Act complements ongoing efforts to enhance parity between mental health services and other health benefits. This is because parity alone will not help individuals who do not have access to any affordable health insurance due to pre-existing mental illness discrimination. The Access Act does not mandate that insurers provide mental health services if they are not already offering such coverage. It simply prohibits plans in the private non-group market from redlining individuals who apply for general health insurance based solely on a past history of treatment for a mental condition.

Recognizing that we are nearing the close of this year's legislative session. I plan to reintroduced this bill when Congress returns and it is my hope that many of my colleagues will join me. In the meantime, I have asked the General Accounting Office (GAO) to examine the extent to which private health insurers medically underwrite for mental health conditions by either denying coverage or raising premiums, often to a level that is unaffordable for many individuals. Specifically, I have asked the GAO to examine: the types of mental health conditions for which individual health insurers typically underwrite; the degree to which there is an actuarial basis for these carrier practices; the prevalence of medical underwriting for mental health conditions that result in denying coverage or raising premiums; and the extent of state laws that prevent or constrain insurers from denying coverage or raising premiums due to a history of mental health conditions, including consumer protections such as appeals procedures and access to information.

It simply does not make sense that just because a person seeks treatment

for mental illness he or she is rendered uninsurable. I invite my colleagues to enlist in this important initiative to ensure that such individuals are not discriminated against when applying for health insurance coverage.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. DASCHLE, Mr. JEFFORDS, and Mr. JOHNSON):

S. 3242. A bill to amend the Consolidated Farm and Rural Development Act to encourage equity investment in rural cooperatives and other rural businesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL RURAL COOPERATIVE AND BUSINESS EQUITY FUND ACT

Mr. HARKIN. Mr. President, today, Senator CRAIG and I are introducing the National Rural Cooperative and Business Equity Fund Act to create a new public/private partnership designed to attract equity investment in cooperatives and other businesses in rural America. Senators DASCHLE, JEFFORDS, and JOHNSON are cosponsoring this bipartisan measure.

The Iowa 2010 Strategic Planning Council was commissioned by Governor Vilsack to identify barriers to Iowa's economic development progress over the next ten years. The council found that two very significant hurdles were lack of venture funding and access to capital.

The situation is no different in many other rural areas. Many new rural businesses, particularly cooperatives and farmer-owned businesses, have tremendous difficulty acquiring equity capital—especially those involving value-added agricultural processing.

In Iowa alone, I have seen many cases where equity capital would have made a big difference in the future of a rural business. And every time we lose an opportunity to help a business, it means fewer jobs, fewer well-paying jobs, and less income for rural and small town America.

In fact, just recently, in eastern Iowa, a group of turkey producers joined together to purchase the soon-to-be-closed West Liberty packing plant from Louis Rich. Ultimately—with the assistance of a USDA loan guarantee and state and private support—the co-op successfully purchased the plant. However, they almost went under because of limited equity. Only by the skin of our teeth are those jobs still in Iowa and those farmers still enjoying the benefits of cooperative ownership of that plant. In too many other cases, good ideas have been shattered because of a lack of equity.

My state has made some progress through the Iowa Department of Economic Development's "Community Economic Betterment Account" or CEBA, which recently set aside some funding for venture capital. But far more resources are needed in Iowa and across Rural America.

That's why this legislation is so important. If we pass the National Rural

Cooperative and Business Equity Fund Act, we will help quality rural cooperatives and businesses succeed and expand, and we will create jobs and raise the incomes of employees and farmers.

We're opening this bill up to discussion today with the hope of passing it in the next Congress. I believe this legislation has a strong start in the support of Senators CRAIG, DASCHLE, JEFFORDS, and JOHNSON. We also have the support of a number of national organizations that are key players in rural economic development including: Agribank, the American Bankers Association, CoBank, the Farm Credit Council, the Independent Community Bankers Association, the National Cooperative Bank, National Farmers Union, the National Rural Electric Cooperative Association, and the National Rural Utilities Cooperative Finance Cooperation.

The equity fund created by this legislation will have a 12-person Board of Directors that would decide which proposals to fund. This board would include the Secretary of Agriculture and two of his or her appointees, and the remainder of the Board would be made up of private investors in the fund. The first \$150 million in private sector investments will be matched dollar for dollar by the U.S. Department of Agriculture over a three year period. As a compensation for the lower rate of return in the equity fund relative to other investments, the Department of Agriculture will guarantee up to 50 percent of an investment. Debentures, which would be guaranteed, could also be issued.

Businesses applying for equity from the fund must be sponsored by a local entity, such as a bank, a regional or local development council, or a cooperative or economic development group. The businesses must be based in rural areas, and they cannot be primarily retail businesses. Cooperatives and other businesses receiving an equity investment from the fund will be required to invest a substantial amount of their own capital.

The Fund is intended to support projects that will provide off-farm income, additional markets for agricultural products, and new business opportunities in rural communities. A diverse range of viable projects, representing a variety of business structures, operating in rural communities of various sizes would be encouraged.

Mr. President, I urge my colleagues and those concerned about rural economic development to examine this measure between Congresses and at the beginning of the coming Congress. I am hopeful that we will be able to make the National Rural Cooperative and Business Equity Fund a reality.

ADDITIONAL COSPONSORS

S. 922

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1760

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1760, a bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3045

At the request of Mr. SESSIONS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3045, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3152

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3156

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3156, a bill to amend the Endangered Species Act of 1973 to ensure the recovery of the declining biological diversity of the United States, to reaffirm and strengthen the commitment

of the United States to protect wildlife, to safeguard the economic and ecological future of children of the United States, and to provide certainty to local governments, communities, and individuals in their planning and economic development efforts.

S. 3157

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 3157, a bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486.

S. 3169

At the request of Mr. SESSIONS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3169, a bill to amend the Federal Food, Drug, and Cosmetic Act and the International Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes.

S. 3181

At the request of Mr. HAGEL, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. GRAMS), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3216

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 3216, a bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement.

S. 3222

At the request of Mr. CRAIG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3222, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

#### AMENDMENTS SUBMITTED

#### DAIRY MARKET ENHANCEMENT ACT OF 2000

#### CRAIG AMENDMENT NO. 4340

Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill (S. 2773) to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Market Enhancement Act of 2000".

#### SEC. 2. DAIRY PRODUCT MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

##### "Subtitle C—Dairy Product Mandatory Reporting

#### "SEC. 271. PURPOSE.

"The purpose of this subtitle is to establish a program of information regarding the marketing of dairy products that—

"(1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;

"(2) improves the price and supply reporting services of the Department of Agriculture; and

"(3) encourages competition in the marketplace for dairy products.

#### "SEC. 272. DEFINITIONS.

"In this subtitle:

"(1) DAIRY PRODUCTS.—The term 'dairy products' means manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(2) MANUFACTURER.—The term 'manufacturer' means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

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

#### "SEC. 273. MANDATORY REPORTING FOR DAIRY PRODUCTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program of mandatory dairy product information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the dairy product manufacturing industry.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—In establishing the program, the Secretary shall only—

"(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

"(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

"(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

"(2) CONDITIONS.—The conditions referred to in paragraph (1)(A)(i) are that—

"(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(B) the information referred to in paragraph (1)(A)(i) is required only to the extent that the information is actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(C) the frequency of the required reporting under paragraph (1)(A)(i) does not exceed

the frequency used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

"(D) the Secretary may exempt from all reporting requirements any manufacturer that processes and markets less than 1,000,000 pounds of dairy products per year.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person under this subtitle other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

"(B) RELATION TO OTHER REQUIREMENTS.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

"(3) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

"(4) ENFORCEMENT.—

"(A) UNLAWFUL ACT.—It shall be unlawful and a violation of this subtitle for any person subject to this subtitle to willfully fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary in accordance with this subtitle.

"(B) ORDER.—After providing notice and an opportunity for a hearing to affected persons, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subtitle.

"(C) APPEAL.—

"(i) IN GENERAL.—The order of the Secretary under subparagraph (B) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

"(ii) FINDINGS.—A finding of the Secretary under this paragraph shall be set aside only if the finding is found to be unsupported by substantial evidence.

"(D) NONCOMPLIANCE WITH ORDER.—

"(i) IN GENERAL.—If a person subject to this subtitle fails to obey an order issued under this paragraph after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order.

"(ii) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

"(iii) CIVIL PENALTY.—If the court finds that the person violated the order, the person shall be subject to a civil penalty of not more than \$10,000 for each offense.

"(5) FEES.—The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement fee, or any other fee under this subtitle for—

"(A) the submission or reporting of information;

"(B) the receipt or availability of, or access to, published reports or information; or

"(C) any other activity required under this subtitle.