By Mr. TORRICELLI (for himself, Mr. HELMS, Mr. GRAHAM, Mr. MACK, and Mr. REID):

S. Res. 289. A resolution expressing the sense of the Senate regarding the human rights situation in Cuba; to the Committee on Foreign Relations.

By Mr. SPECTER (for himself and Mr. FEINGOLD):

S. Res. 290. A resolution expressing the sense of the Senate that companies large and small in every part of the world should support and adhere to the Global Sullivan Principles of Corporate Social Responsibility wherever they have operations; to the Committee on Foreign Relations.

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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 2404. A bill to amend chapter 75 of title 5, United States Code, to provide that any Federal law enforcement officer who is convicted of a felony shall be terminated from employment; to the Committee on Governmental Affairs.

LEGISLATION REGARDING THE REMOVAL OF LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES

Mr. GRASSLEY. Mr. President, I rise to introduce a bill on removing federal law enforcement officers convicted of felonies.

Under my bill, any federal law enforcement officer, who is convicted of a felony, would have to be removed from his or her position immediately.

Mr. President, my colleagues must be wondering why the Senator from Iowa is offering this legislation. Law enforcement officers convicted of felonies are removed immediately. That's just common sense. Right?

Unfortunately, Mr. President, common sense does not always prevail in the federal bureaucracy.

Common sense is in short supply at one very important place in the Pentagon—the office of the Inspector General or DOD IG.

In October 1999, the Majority Staff on my Subcommittee on Administrative Oversight and the Courts issued a report on the DOD IG.

I placed the Majority Staff Report in the RECORD on November 2, 1999.

The Majority Staff Report substantiated allegations of misconduct by senior officials at the Defense Criminal Investigative Service—or DCIS—between 1993 and 1996.

DCIS is the criminal investigative branch in the DOD IG's office.

I would like to remind my colleagues that Mr. Donald Mancuso was the Director of DCIS between 1988 and 1997. Today, Mr. Mancuso is the Deputy DOD IG. He may be a candidate for nomination as the next DOD IG.

Some of the allegations examined in the Majority Staff Report concerned one of Mr. Mancuso's top deputies—an agent by the name of Mr. Larry J. Hollingsworth.

The Hollingsworth case is the driving force behind my bill.

Mr. Hollingsworth was the Director of Internal Affairs at DCIS from April 1991 until his retirement in September 1996.

In July 1995, after a fellow agent recognized Mr. Hollingsworth's photo in a law enforcement crime bulletin, Mr. Hollingsworth was apprehended. His home was searched, and he confessed to filing a fraudulent passport application.

Mr. Hollingsworth was convicted of a felony in U.S. District Court in March 1996.

The authorities who investigated Mr. Hollingsworth's crimes believe that he committed about 12 overt acts of fraud between 1992 and 1994.

Mr. President, can you imagine that?

While he was hammering rank and file agents for minor administrative offenses as head of the Internal Affairs unit, Mr. Hollingsworth was deeply involved in a criminal enterprise of his own.

The State Department agents who investigated the case were troubled by Mr. Hollingsworth's actions. From past experience, they know passport fraud is usually committed in furtherance of a more serious crime. But that crime was never discovered.

While the full extent of Mr. Hollingsworth's crimes remain a mystery, this case has helped to shed a whole lot of light on Deputy IG Mancuso.

Mr. Mancuso personally approved a series of administrative actions that kept a convicted felon in an employed status at DCIS for 6 months.

Mr. Hollingsworth confessed to passport fraud in July 1995. He was convicted in March 1996 and then confined in jail. All this time—for 14 months, Mr. Mancuso kept Mr. Hollingsworth in an employed status at DCIS until September 19,1996.

Mr. President, September 19, 1996 was the magic day. That was Mr. Hollingsworth's 50th birthday.

That was the very first day he was eligible to retire. On that day, he retired with full law enforcement benefits and Mr. Mancuso's blessing.

Mr. Mancuso's generosity will eventually cost the taxpayers a big chunk of money.

The Office of Personnel Management—OPM—estimated Mr. Hollingsworth's annuity will cost the taxpayers at least $750,000.00 through the year 2008.

This is money Mr. Hollingsworth should never collect had Mr. Mancuso exercised sound judgment under the law.

Mr. Mancuso could have removed Mr. Hollingsworth in March 1996 after conviction or maybe even sooner.

Instead, Mr. Mancuso chose to personally protect Mr. Hollingsworth until he reached his 50th birthday and could retire.

Mr Mancuso shielded Mr. Hollingsworth from the law for at least 6 months.

Under the law—5 U.S.C. 7513(b), Mr. Mancuso was authorized to remove Mr. Hollingsworth after conviction—if not sooner.

Mr. President, I underscore the words authorized. DCIS was authorized but not required to remove him.

Under the law, DCIS was granted discretionary authority to decide when—or if—to remove him.

Mr. President, too much discretionary authority in a place so short on common sense can lead to mistakes. The Hollingsworth case was a big mistake.

If my bill had been in effect in 1996, Mr. Hollingsworth would have been removed within 30 days of conviction.

My staff has consulted with OPM on this legislation.

OPM offered some constructive comments on how to strengthen it. Those ideas are now in the bill.

OPM was unaware of any other instance where a federal law enforcement agency had kept a convicted felon in an employed status for 6 months after conviction.

However, OPM could not guarantee that this would never happen again.

The intent of my legislation should be crystal clear: To ensure that personnel management decisions—like those taken by Mr. Mancuso in the Hollingsworth case—are never repeated again.

Over the past 10 months, my staff has spoken with many rank and file law enforcement officers about the special treatment given to Mr. Hollingsworth.

Rank and file agents are universally disgusted by what happened.

They feel—as I do—that law enforcement officers, who are convicted of felonies—should be removed from their posts immediately.

They don't want their badges tarnished by having one of their own, who committed a felony, remain on the job—as Mr. Hollingsworth was allowed to do.

That undermines morale in the ranks.

In closing, I would like to quote from a letter Mr. Mancuso wrote—on official DOD stationery—to Judge Ellis on April 29, 1996.

Judge Ellis was preparing to sentence the convicted felon, Mr. Hollingsworth.

Mr. Mancuso's statements to Judge Ellis were absurd. They were outrageous.

This letter shows that Mr. Mancuso was totally blind to the seriousness of Mr. Hollingsworth's crimes.

In the letter, Mr. Mancuso asked the judge to consider extenuating circumstances. He told the judge that Mr. Hollingsworth had taken a half day's leave to file the fraudulent passport application. Mr. Mancuso praised the convicted felon for this unselfish act. Can you believe that?

This is what Mr. Mancuso said to Judge Ellis, and I quote: ''Mr. Hollingsworth could have come and gone as he pleased,'' but he ''took leave to commit a felony.''

In Mr. Mancuso's mind, the use of personal leave to commit a felony was a sign of moral excellence.

Mr. Mancuso concluded with this telling remark:

To this day, there is no evidence that Mr. Hollingsworth has ever done anything improper relating to his duties and responsibilities as a DCIS agent and manager.

Mr. Mancuso's statement to Judge Ellis was misguided for two reasons:

First, incredible as it may seem, Mr. Mancuso—a sworn law enforcement officer and current Deputy DOD IG—feels that it is OK for law enforcement officers to commit crimes so long as the agents are off duty.

Second, Mr. Mancuso's assertion about ''no evidence'' is flat wrong. It's inaccurate.

On February 1, 2000, my staff discovered a DCIS file containing information that refuted Mr. Mancuso's assertions to Judge Ellis about no evidence. It shows that in August 1995, both DCIS and the State Department did, in fact, have evidence that Mr. Hollingsworth had engaged in criminal activity at his desk in DCIS headquarters.

How could the Pentagon's top criminal investigator be so blind to evidence?

This file also contains other important revelations about Mr. Mancuso's misconduct in the Hollingsworth case.

It contains documents that indicate Mr. Mancuso was communicating with defense attorneys during the criminal court proceedings against Mr. Hollingsworth.

For example, it contains a FAX transmittal memo addressed personally to Mr. Mancuso from the defense attorney. Attached was a motion to dismiss charges against Mr. Hollingsworth. But there was no court date stamp or attorney signature on the document. And there were handwritten notes on it. This was a rough draft.

Mr. President, this really bothers me.

Mr. Mancuso—the director of a federal law enforcement agency—was furnished with a rough draft of a motion to dismiss felony charges that the U.S. Attorney was attempting to prosecute.

That is unethical conduct.

The file contains other damaging documents.

They suggest that the current Director of DCIS, Mr. John Keenan, returned 11 confiscated handguns to the convicted felon—Mr. Hollingsworth—in direct contravention of a federal court judgment and statutory law.

DCIS allegedly returned the guns to Mr. Hollingsworth on September 23, 1997, while he was still on supervised probation. This reckless act could have put a probation officer in harm's way.

We also learned that Mr. Hollingsworth was under investigation by the IRS in November 1983 for perjury. That very same month—November 1983, he was hired by DCIS to be the agent in charge of the Chicago Field Office.

The IRS concluded Mr. Hollingsworth had ''committed perjury during rebuttal testimony.'' On December 5, 1983, the IRS referred the matter to the U.S. Attorney in New Orleans for prosecution.

Mr. President, how could DCIS hire Mr. Hollingsworth under such questionable circumstances?

I don't understand it.

Mr. President, Mr. Mancuso went to extraordinary lengths to protect a convicted felon.

By doing what he did, Mr. Mancuso violated a trust that goes with the high office he occupies. He violated the trust that goes with the badge and gun he carries. In our democracy, when those sacred trusts are violated, our only protection is the law.

In this case, the law provides too much discretionary authority. It leaves the door wide open to abuse by irresponsible bureaucrats. We need to close that door.

My bill will close the loophole that Mr. Mancuso exploited in such a crafty way.

Mr. President, I would like to urge my colleagues to join me in supporting this important piece of legislation.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. LEAHY):

S. 2406. A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; to the Committee on the Judiciary.

MOTHER TERESA RELIGIOUS WORKERS ACT

Mr. ABRAHAM. Mr. President, I rise to introduce the Mother Teresa Religious Workers Act. This legislation will make permanent provisions of the Immigration and Nationality Act that set aside 10,000 visas per year for ''special immigrants.''

Up to 5,000 of these visas annually can be used for ministers of a religious denomination. In addition, a related provision of the law provides 5,000 visas per year to individuals working for religious organizations in ''a religious vocation or occupation'' or in a ''professional capacity in a religious vocation or occupation.'' This has allowed nuns, brothers, cantors, lay preachers, religious instructors, religious counselors, missionaries, and other persons to work at their vocations or occupations for religious organizations or their affiliates.

The key component of the law will expire on September 30 of this year unless Congress acts.

Under the law, a sponsoring organization must be a bona fide religious organization or an affiliate of one, and must be certified or eligible to be certified under Section 501(c)(3) of the Internal Revenue Code. Religious workers must have two years work experience to qualify for an immigrant visa.

Prior to 1990, churches, synagogues, mosques, and their affiliated organizations experienced significant difficulties in trying to gain admission for a much needed minister or other individual necessary to provide religious services to their communities. However, this improvement in the law in 1990 was not made permanent and, as such, has required reauthorization every two or three years, which has created uncertainly among religious organizations.

Bishop John Cummins of Oakland has written:

Religious workers provide a very important pastoral function to the American communities in which they work and live, performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor market. Historically, religious workers have staffed hospitals, orphanages, senior care homes and other charitable institutions that provide benefits to society without public funding.

Bishop Cummins noted that,

The steady decline in native-born Americans entering religious vocations and occupations, coupled with the dramatically increasing need for charitable services in impoverished communities makes the extension of this special immigrant provision a necessity for numerous religious denominations in the United States.

The sentiments expressed by Bishop Cummins are widely held. Indeed this program has won universal praise in religious communities across the nation. In the past, our office has received letters from religious orders and organizations throughout the nation.

As a nation founded by people who came to these shores so they and their children could worship freely, it is only appropriate that our country welcome those who wish to help our religious organizations provide pastoral and other relief to people around this nation.

That is why I have introduced the Mother Teresa Religious Workers Act. The bill will eliminate the sunset provisions in current law and extend permanently the religious workers provisions of the Immigration and Nationality Act. It is clear that religious organizations' ability to sponsor individuals who provide service to their local communities should be a permanent fixture of our immigration law, just as it is for those petitioning for close family members and skilled workers. No longer should religious institutions have to worry about whether Congress will act in time to renew the religious workers provisions. I am pleased Senators KENNEDY, DEWINE, and LEAHY are cosponsoring this legislation.

Finally, I would like to close by reading a passage from a letter sent to me in 1997. It's a letter that at the time helped convince me of the need to move toward permanent extension of the religious workers provisions of the Immigration and Nationality Act. The letter read as follows:

DEAR SENATOR ABRAHAM: I am writing to ask you to help us in solving a very urgent problem. My Sisters in New York have told me that the law which allows the Sisters to apply for permanent residence in the United States expires on September 30, 1997. Please, will you do all that you can to have that law extended so that all Religious will continue to have the opportunity to be permanent residents and serve the people of your great country.

It means so much to our poor people to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long term basis. Please help us and our poor by extending this law.

I am praying for you and the people of Michigan. My Sisters serve the poor in Detroit where we have a soup kitchen and night shelter for women. Let us all thank God for this chance to serve His poor.

Signed: MOTHER TERESA.

My office received this letter only a few weeks before her death. In honor of her great deeds for humanity I hope that this year we can finally extend the religious workers provisions of the INA permanently.

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. 2406

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 ''Mother Teresa Religious Workers Act''.

SEC. 2. PERMANENT AUTHORITY FOR ENTRY INTO UNITED STATES OF CERTAIN RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''before October 1, 2000,'' each place it appears.

By Mr. REID (for himself and Mr. KENNEDY):

S. 2407. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

DATE OF REGISTRY ACT OF 2000

Mr. REID. Mr. President, I rise today along with the Senior Senator from Massachusetts, Mr. KENNEDY, to introduce the Date of Registry Act of 2000.

The Date of Registry Act of 2000, complements similar legislation I introduced last year in an effort to fix a terrible mistake made by the Congress in 1996. Tucked into the massive piece of legislation known as IIRA IRA, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, was an obscure, but lethal, provision which stripped the federal courts of jurisdiction to adjudicate legalization claims against the Immigration and Naturalization Service. Most troubling is the fact that this provision nullified legitimate claims based upon substantiated evidence that the Immigration and Nationalization Service had bypassed Congressional intent in denying benefits to certain undocumented persons who have come to be known as the ''late amnesty'' class of immigrants. Through this limitation, Section 377 of IIRA IRA has caused significant hardships, and denied due process and fundamental fairness, for hundreds of thousands of hard working immigrants, including several thousand in my home State of Nevada. These are good, hard-working people who have been in the United States and had been paying taxes for more than ten years, who suddenly lost their jobs and the ability to support their families.

In an effort to repeal the limitation on judicial jurisdiction imposed by Section 377 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, I introduced S. 1552, the Legal Amnesty Restoration Act of 1999. In addition to repealing Section 377, S. 1552 would also change the date of registry for those immigrants seeking legalized, documented status in the United States from January 1, 1972, to January 1, 1984. The legislation I am introducing today focuses on this aspect of last year's legislation, and would change the date of registry from January 1, 1972, to January 1, 1986.

The date of registry exists as a matter of public policy, with the recognition that immigrants who have remained in the country continuously for an extended period of time—in some cases, up to thirty years—are highly unlikely to leave. Today, we must accept the reality that many of the people living in the United States are undocumented immigrants who have been here for quite a long time. Consequently, many people living in this country do not pay their fair share of taxes because they are unable to work legally. Furthermore, the businesses who employ these undocumented persons also do not pay their fair share of taxes. These are the facts, and coupled with the knowledge that we can't simply solve this problem by wishing that it will go away, is the reality we must face when considering our immigration policies.

We last changed the date of registry in 1986, with the passage of the Immigration Reform and Control Act, which changed the date to January 1, 1972. In doing so, the 99th Congress employed the same rationale I have outlined above in support of a registry date change. Furthermore, I have mirrored the 99th Congress in another, critical aspect, by establishing an approximate fifteen-year differential between the date of enactment and the updated date of registry.

Mr. President, I should note one more thing about the Immigration Reform and Control Act of 1986. That legislation which last changed the date of registry was passed by a Democratic House of Representatives and a Republican Senate, and was signed into law by President Reagan. I mention these facts to highlight my hope that support for this legislation will be bi-partisan and based upon our desire to ensure fundamental fairness as a matter of public policy in this country.

Finally, the legislation I am introducing today builds upon the fifteen year differential standard established in the 1986 reform legislation by implementing a ''rolling registry'' date which would sunset in five years without Congressional reauthorization. In other words, on January 2002, the date of registry would automatically change to January 1, 1987, thereby maintaining the fifteen year differential. The date of registry would continue to change on a rolling basis through January 1, 2006, when the date of registry would be January 1, 1991. Limiting this annual, automatic change to five years will allow the Congress to examine both the positive and negative effects of a rolling date of registry and make an informed decision on reauthorization.

Mr. President, as I stated when I introduced S. 1552 last year, I don't pretend that this legislation will solve all the problems of our immigration and legalization procedures. However, we have an obligation to face our problems, and the reality is that there are many, many undocumented immigrants who live in this country who would be much more productive contributors to American society if they were legal residents, workers and taxpayers. We know this to be true, as evidenced by the thousands of immigrants in Southern Nevada whose status had yet to be adjusted, but were working legally and paying taxes—in some instances for more than ten years—when their employment permits were revoked as a result of the 1996 IIRA IRA legislation. I have met with many of these people on several occasions and I have witnessed, firsthand, their pain and genuine suffering. Good people who have worked hard and paid their taxes in order to live the American dream only to see their efforts turn into a nightmare.

As I stated when I introduced S. 1552 last year, I don't pretend that my legislation will solve all the problems of immigration and legalization policies. However, we must face these problems head on, and that is precisely my intent in introducing this legislation today.

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

S. 2408. A bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

HONORING THE NAVAJO CODE TALKERS ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce important legislation, recognizing the heroic contributions of a group of Native American soldiers who served in the Pacific theater during the second World War. This legislation will authorize the President of the United States to award a gold medal, on behalf of the Congress, to each of the original twenty-nine Navajo Code Talkers, as well as a silver medal to each man who later qualified as a Navajo Code Talker (MOS 642). These medals are to express recognition by the United States of America and its citizens of the Navajo Code Talkers who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and in hastening the end of the war in the Pacific.

It has taken too long to properly recognize these soldiers, whose achievements have been obscured by twin veils

of secrecy and time. As they approach the final chapter of their lives, it is only fitting that the nation pay them this honor. That's why I am introducing this legislation today—to salute these brave and innovative Native Americans, to acknowledge the great contribution they made to the Nation at a time of war, and to finally give them their rightful place in history.

With each new successive generation of Americans, blessed as we are in this time of relative peace and prosperity, it is easy to forget what the world was like in the early 1940's. The United States was at war in Europe, and on December 7, 1941, we were faced with a second front as the Japanese Empire attacked Pearl Harbor.

One of the intelligence weapons the Japanese possessed was an elite group of well-trained English speaking soldiers, used to intercept U.S. communications, then sabotage the message or issue false commands to ambush American troops. Military code became more and more complex—at Guadalcanal, military leaders complained that it took 2½ hours to send and decode a single message.

The idea to use Navajo for secure communications came from Philip Johnson. Johnson was the son of a missionary, raised on the Navajo reservation, and one of the few non-Navajos who spoke their language fluently. But he was also a World War I veteran, and knew of the military's search for a code that would withstand all attempts to decipher it. Johnson believed Navajo answered the military requirement for an undecipherable code because Navajo is an unwritten language of extreme complexity. In early 1942, he met with the Commanding General of Amphibious Corps, Pacific Fleet, and his staff to convince them of the value of the Navajo language as code. In one of his tests, he demonstrated that Navajos could encode, transmit, and decode a three-line English message in 20 seconds. Twenty-seconds!

Convinced, the Marine Corps called upon the Navajo Nation to support the military effort by recruiting and enlisting Navajo men to serve as Marine Corps Radio Operators. These Navajo Marines, who became known as the Navajo Code Talkers, used the Navajo language to develop a unique code to communicate military messages in the South Pacific. True to Phillip Johnson's prediction, and the enemy's frustration, the code developed by these Native Americans proved unbreakable and was used throughout the Pacific theater.

Their accomplishment was even more heroic given the cultural context in which they were operating:

The Navajos were second-class citizens and were discouraged from using their own language; and

They were living on reservations, as many still are today, yet they volunteered to serve, protect, and defend the very power that put them there.

But the Navajo, a people subjected to alienation in their own homeland, who had been discouraged from speaking their own language, stepped forward and developed the most significant and successful military code of the time:

This Code was so successful that military commanders credited the Code in saving the lives of countless American soldiers and the successful engagements of the U.S. in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa. At Iwo Jima, Major Howard Connor, 5th Marine Division signal officer, declared, ''Were it not for the Navajos, the Marines would never have taken Iwo Jima.'' Major Connor had six Navajo code talkers working around the clock during the first 48-hours of the battle. Those six sent and received over 800 messages, all without error;

This Code was so successful that some Code Talkers were guarded by fellow marines whose role was to kill them in case of imminent capture by the enemy; and finally,

It was so successful that the Department of Defense kept the Code secret for 23 years after the end of World War II, when it was finally declassified.

And there, Mr. President, is the foundation of the problem.

If their achievements had been hailed at the conclusion of the war, proper honors would have been bestowed at that time. But the Code Talkers were sworn to secrecy, an oath they kept and honored, but at the same time, one that robbed them of the very accolades and place in history they so rightly deserved. Their ranks include veterans of Guadalcanal, Saipan, Iwo Jima, and Okinawa; they gave their lives at New Britain, Bougainville, Guam, and Peleliu. But, while the bodies of their fallen comrades came home, simple messages of comfort from those still fighting to relatives back home on the reservations were prohibited by the very secrecy of the code's origin. And at the end of the war, these unsung heroes returned to their homes on buses—no parades, no fanfare, no special recognition for what they had truly accomplished—because while the war was over, their duty—their oath of secrecy—continued. The secrecy surrounding the code was maintained until it was declassified in 1968—only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

For the countless lives they helped save, for this contribution that helped speed the Allied victory in the Pacific, I believe they succeeded beyond all expectations.

Through the enactment of this bill, the recognition for the Navajo Code Talkers will be delayed no longer, and they will finally take their place in history they so rightly deserve.

To this end, I urge my colleagues to support the bill.

Mr. President, I ask for 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. 2408

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 ''Honoring the Navajo Code Talkers Act''

SEC. 2. FINDINGS.

Congress finds the following:

(1) On December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by the Congress the following day.

(2) The military code, developed by the United States for transmitting messages, had been deciphered by the Japanese and a search by U.S. Intelligence was made to develop new means to counter the enemy.

(3) The United States government called upon the Navajo Nation to support the military effort by recruiting and enlisting twenty-nine (29) Navajo men to serve as Marine Corps Radio Operators; the number of enlistees later increased to over three-hundred and fifty.

(4) At the time, the Navajos were second-class citizens, and they were a people who were discouraged from using their own language.

(5) The Navajo Marine Corps Radio Operators, who became known as the Navajo Code Talkers, were used to develop a code using their language to communicate military messages in the Pacific.

(6) To the enemy's frustration, the code developed by these Native Americans proved to be unbreakable and was used extensively throughout the Pacific theater.

(7) The Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time. At Iwo Jima alone, they passed over 800 error-free messages in a 48-hour period;

(a) So successful, that military commanders credited the Code in saving the lives of countless American soldiers and the successful engagements of the U.S. in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(b) So successful, that some Code Talkers were guarded by fellow marines whose role was to kill them in case of imminent capture by the enemy;

(c) So successful, that the code was kept secret for 23 years after the end of World War II.

(8) Following the conclusion of World War II, the U.S. Department of Defense maintained the secrecy of the Navajo code until it was declassified in 1968; only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to each of the original twenty-nine Navajo Codes Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Codes Talkers. The President is further authorized to award to each man who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, a silver medal with suitable emblems and devices. These medals are to express recognition by the United States of America and its citizens in honoring the Navajo Code Talkers who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and in hastening the end of the World War II in the Pacific.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the 'Secetary') shall strike

a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. HOLLINGS (for himself and Mr. SARBANES) (by request):

S. 2409. A bill to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PIPELINE SAFETY AND COMMUNITY PROTECTION ACT OF 2000

Mr. HOLLINGS. Mr. President, I am pleased to introduce the Pipeline Safety and Community Protection Act of 2000 on behalf of the administration. Yesterday, Vice President GORE transmitted this proposal to the Congress, and requested introduction and referral of the bill to the appropriate committee. The purpose of this legislation is to provide for enhanced safety and environmental protection in pipeline transportation.

The Senate Committee on Commerce, Science, and Transportation held a field hearing in Bellingham, Washington, last month on pipeline safety. In addition, I expect the committee to hold another hearing on pipeline safety reauthorization within the next month. Senator MURRAY has introduced a pipeline safety bill and it is my understanding that an additional pipeline safety bill is to be introduced by Chairman MCCAIN today. I am interested in reviewing all of the bills and look forward to the committee's action on pipeline safety reauthorization in the coming months.

Mr. President, I request unanimous consent that the legislation be printed in the RECORD.

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

S. 2409

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 TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Safety and Community Protection Act of 2000''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—

SEC. 2. ADDITIONAL PIPELINE PROTECTIONS.

(a) Section 60109 is amended by adding at the end the following:

''(c) OPERATOR'S RISK ANALYSIS AND PROGRAM FOR INTEGRITY MANAGEMENT.—

(1) GENERAL REQUIREMENT.—Within 1 year after the Secretary, in consultation with the Administrator of the Environmental Protection Agency, establishes criteria under subsection (a)(1) of this section, an operator of a natural gas transmission pipeline facility or hazardous liquid pipeline facility shall evaluate the risks to the operator's pipeline facility in the areas identified by these criteria and shall adopt and implement a program for integrity management that reduces the risks in those areas.

''(2) STANDARDS FOR PROGRAM.—An operator shall include at least the following in the program for integrity management:

''(A) internal inspection or another equally protective method, such as pressure testing, that represents use of the best achievable technology and that directly assesses the integrity of the pipeline on a periodic basis that is commensurate to the risk to people and the environment of the pipeline being inspected;

''(B) clearly defined criteria for evaluating and acting on the results of the inspection or testing done under subparagraph (A);

''(C) an analysis on a continuing basis that integrates all available information about the integrity of the pipeline or the consequences of a release;

''(D) prompt actions to address integrity issues raised by the analysis required by subparagraph (C);

''(E) measures that prevent and mitigate the consequences of a release and, in the case of a release of a hazardous substance or discharge of oil, are consistent with the National Contingency Plan, including leak detection, integrity evaluation, emergency flow restricting devices, and other prevention, detection, and mitigation measures that are appropriate for the protection of human health and the environment; and

''(F) consideration of the consequences of hazardous liquid releases.

''(3) CRITERIA FOR PROGRAM STANDARDS.—

''(A) In deciding how frequently the inspection or testing under paragraph (2)(A) must be conducted, an operator shall take into account the potential for the development of new defects, the operational characteristics of the pipeline, including age, operating pressure, block valve location, and spill history, the location of areas identified under subsection (a)(1), any known deficiencies of the method of pipeline construction or installation, and the possible flaw growth of new and existing defects. In considering the potential for development of new defects from outside force damage, an operator shall consider information available about current or planned excavation activities and the effectiveness of damage prevention programs in the area.

''(B) An operator shall adopt standards under this section that provide an equivalent minimum level of protection as that provided by the applicable level established by national consensus standards organizations.

''(C) An operator shall implement pressure testing and other integrity management techniques in a manner that does not increase environmental or safety risks, such as by use of petroleum for pressure testing.

''(4) AUTHORITY FOR ADDITIONAL STANDARDS.—The Secretary shall prescribe additional standards to direct an operator's conduct of a risk analysis or adoption or implementation of a program for integrity management. These standards shall address the type or frequency of inspection or testing required, the manner in which it is conducted, the criteria used in analyzing results, the types of information sources that must be integrated as well as the manner of integration, the nature and timing of actions selected to address integrity issues, and such other factors as appropriate to assure that the integrity of the pipeline facility is addressed and that appropriate mitigative measures are adopted to protect areas identified under subsection (a)(1). The Secretary may also prescribe standards that require an owner or operator of a natural gas transmission or hazardous liquid pipeline facility to include in the program of integrity management changes to valves or the establishment or modification of systems that monitor pressure and detect leaks based on the risk analysis the operator conducts, and the use of emergency flow restricting devices.

''(5) MONITORING IMPLEMENTATION.—A risk analysis and program for integrity management required under this section shall be reviewed by the Secretary of Transportation as an element of Departmental inspections, and the analysis and program, as well as the records demonstrating implementation, shall be made available to the Secretary on request under section 60117.''.

(b) Section 60102 is amended—

(1) by striking ''facilities.'' in subsection (e)(2) and inserting ''facilities, not including tanks incidental to pipeline transportation.'';

(2) by striking paragraph (2) of subsection (f);

(3) by striking ''(1)'' in subsection (f);

(4) by redesignating subparagraphs (A) and (B) of subsection (f)(1) (as such subsection was in effect before its amendment by paragraph (3) of this subsection) as paragraphs (1) and (2), respectively;

(5) by striking paragraph (2) of subsection (j) and redesignating paragraph (3) as paragraph (2); and

(6) by adding at the end thereof the following:

''(m) INTEGRITY MANAGEMENT REGULATIONS.—

''(1) Not later than December 31, 2000, the Secretary shall issue final regulations authorized by this section and sections 60104, 60108, and 60109 for the implementation of an integrity management program by operators of more than 500 miles of hazardous liquid pipelines.

''(2) Not later than 2 years after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, the Secretary shall issue final regulations that extend the requirements imposed by the regulations described in paragraph (1) to every operator of

a hazardous liquid pipeline or natural gas transmission pipeline subject to the jurisdiction of this chapter. In the event that the Secretary fails to fulfill this requirement within two years, all the requirements imposed by the regulations described in paragraph (1) shall, on the date that is two years after the enactment of this subsection, apply to every operator of a hazardous liquid pipeline or natural gas transmission pipeline subject to the jurisdiction of this chapter.

''(3) Not later than 3 years after the date of enactment of the Pipeline Safety and Community Protection Act of 2000—

''(A) the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas;

''(B) the Secretary shall promptly make a Secretarial determination as to the effect on safety and the environment of extending the requirements imposed by the regulations described in paragraph (1) to additional areas using the best achievable technology; and

''(C) based on the determination described in subparagraph (B), the Secretary shall promptly promulgate regulations that would provide measurable improvements to safety or the environment in these areas by extending regulatory requirements at least as protective to these areas.''.

(f) Section 60118(a) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) striking ''title.'' in paragraph (3) and inserting ''title; and''; and

(3) adding at the end the following:

''(4) conduct a risk analysis and prepare and carry out a program for integrity management for pipeline facilities in certain areas as required under section 60109(c).''.

(g) Section 60104(b) is amended by striking ''adopted.'' and inserting ''adopted, unless the Secretary determines that application of the standard is necessary for safety or environmental protection.''.

SEC. 3. COMMUNITY RIGHT TO KNOW AND EMERGENCY PREPAREDNESS.

(a) Section 60116 is amended to read as follows:

§ 60116. Community right to know

''(a) PUBLIC EDUCATION PROGRAMS.—

''(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

''(2) Within 1 year after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed plan shall be reviewed by the Secretary of Transportation as an element of Departmental inspections.

''(3) The Secretary may issue standards prescribing the details of a public education program and providing for periodic review of the effectiveness and modification as needed. The Secretary may also develop material for use in the program.

''(b) LIAISON WITH STATE AND LOCAL EMERGENCY RESPONSE ENTITIES.—Within 1 year after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates. An operator shall, when requested, make available to the State emergency response commissions and local emergency planning committees the information described in section 60102(d), any program for integrity management developed under section 60109(c), and information about implementation of that program and about the risks the program is designed to address. In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

''(c) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall make available to the public a safety-related condition report filed by an operator under section 60102(h) and a report of a pipeline incident filed by an operator under this chapter.

''(d) ACCESS TO INTEGRITY MANAGEMENT PROGRAM INFORMATION.—The Secretary shall prescribe requirements for public access to integrity management program information prepared under this chapter.

''(e) AVAILABILITY OF MAPS.—

''(1) The owner or operator of each interstate gas pipeline facility shall provide, at least annually, to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of the facility.

''(2) Not later than 1 year after the date of enactment of the Pipeline Safety and Community Protection Act of 2000, and annually thereafter, the owner or operator of each hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility.

''(f) EFFECTIVENESS OF PUBLIC SAFETY AND PUBLIC EDUCATION PROGRAMS.—

''(1) The Secretary shall survey and assess the public education programs under this section and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. The survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

''(2) In issuing standards for public safety programs under section 60102(a) or for public education programs under this section, the Secretary shall consider the results of the survey and assessment done under paragraph (1).

''(3) The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities.''.

(d) Section 60102(c) is amended by striking paragraph (4).

(e) Section 60102(h)(2) is amended by striking ''authorities.'' and inserting ''officials, including the local emergency responders, and appropriate on-scene coordinators for the area contingency plan or sub-area contingency plan.''.

(f) Section 60120(c) is amended by adding at the end the following: ''Nothing in section 60116 shall be deemed to impose a new duty on State or local emergency responders or local emergency planning committees.''.

(g) The analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

''60116. Community right to know''.

SEC. 4. ENFORCEMENT.

(a) GENERAL AUTHORITY.—Section 60112 is amended—

(1) by striking all after ''if the Secretary'' in subsection (a) and inserting ''decides that—

''(1) operation of the facility is or would be hazardous to life, property, or the environment; or

''(2) the facility is or would be constructed or operated, or a component of the facility is or would be constructed or operated, with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.'';

(2) by striking ''is hazardous'' in subsection (d) and inserting ''is or would be hazardous''; and

(3) by adding at the end the following:

''(f) OPTIONAL WAIVER OF NOTICE AND HEARING REQUIREMENTS.—If the Secretary decides that a facility may present a hazard under subsection (a)(1) or (2), the Secretary may waive the notice and hearing requirements in subsection (a) and request the Attorney General to bring suit on behalf of the United States in an appropriate district court to obtain an order to restrain the operator of the facility from such operation, or to take such other action as may be necessary, or both.''.

(b) CIVIL PENALTIES.—Section 60122 is amended—

(1) by striking ''$25,000'' in subsection (a)(1) and ''$500,000'' and substituting ''$100,000'' and ''$1,000,000'', respectively; and

(2) by adding at the end of subsection (a)(1) ''The maximum civil penalty for a related series of violations does not apply to a judicial enforcement action under section 60120 or 60121.''; and

(3) by striking subsection (b) and inserting the following:

''(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

''(1) the Secretary shall consider—

''(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

''(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

''(C) good faith in attempting to comply; and

''(2) the Secretary may consider—

''(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

''(B) other matters that justice requires.''.

(c) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking ''knowingly and willfully'';

(2) by inserting ''knowingly and willfully'' before ''engages'' in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

''(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

(d) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

''(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may

award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.''.

(e) CITIZEN SUITS.—Section 60121(a)(1) is amended by striking the first sentence and ''However, the'' and inserting: ''A person may bring a civil action in an appropriate district court of the United States against a person owning or operating a pipeline facility to enforce compliance with this chapter or a standard prescribed or an order issued under this chapter. The district court may enjoin noncompliance and assess civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122. The''.

SEC. 5. UNDERGROUND DAMAGE PREVENTION.

(a) Section 60114 is amended by inserting after subsection (b) the following:

''(c) CONFORMITY WITH CHAPTER 61.—Regulations prescribed by the Secretary under subsection (a) do not apply to a State that has a One-Call notification program accepted by the Secretary as meeting the minimum standards of section 6103 of this title or approved by the Secretary as an alternative program under section 6104(c) of this title.''.

(b) Section 60102(c) is amended—

(1) by inserting ''or hazardous liquid pipeline facility'' before ''participate'' in paragraph (1); and

(2) striking paragraph (3).

(c) Section 60104 is amended by adding at the end the following:

''(f) STATE ONE-CALL NOTIFICATION LAWS.—Notwithstanding subsection (c) of this section, a State may enforce a requirement of a One-Call notification law that satisfies sections 6103 or 6104(c) of this title, or section 60114(a) of this chapter, against an operator of an interstate natural gas pipeline facility or an interstate hazardous liquid pipeline facility provided that the requirement sought to be enforced is compatible with the minimum standards prescribed under this chapter.''.

(d) Section 60123 is amended by adding at the end thereof the following:

''(e) MISDEMEANOR FOR NOT USING ONE-CALL.—A person shall be fined under title 18, imprisoned for not more than 1 year, or both, if the person knowingly engages in an excavation activity without first using an available one-call notification system to establish the location of underground facilities in the excavation area.''.

SEC. 6. ENHANCED ABILITY OF STATES TO OVERSEE OPERATOR ACTIVITIES.

(a) Section 60106(a) is amended—

(1) by inserting ''(1)'' before ''If'';

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) adding at the end thereof the following:

''(2) If the Secretary accepts a certification under section 60105 of this title, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. An agreement shall include a plan for the State authority to participate in special investigations involving new construction or incidents.

''(3) An agreement under paragraph (2) may also include a program allowing for participation by the State authority in other activities overseeing interstate pipeline transportation that supplement the Secretary's program and address issues of local concern, provided that the Secretary determines that—

''(A) there are no significant gaps in the regulatory jurisdiction of the State authority over intrastate pipeline transportation;

''(B) implementation of the agreement will not adversely affect the oversight of intrastate pipeline transportation by the State authority;

''(C) the program allowing participation of the State authority is consistent with the Secretary's program for inspection; and

''(D) the State promotes preparedness and prevention activities that enable communities to live safely with pipelines.''.

(b) Section 60106(d) is amended by inserting after the first sentence the following: ''In addition, the Secretary may end an agreement for the oversight of interstate pipeline transportation when the Secretary finds that there are significant gaps in the regulatory authority of the State authority over intrastate pipeline transportation, or that continued participation by the State authority in the oversight of interstate pipeline transportation is not consistent with the Secretary's program or would adversely affect oversight of intrastate pipeline transportation, or that the State is not promoting activities that enable communities to live safely with pipelines.''.

(c) STATE GRANTS.—Section 60107 is amended by adding at the end the following:

''(e) SPECIAL INVESTIGATION OF INTERSTATE PIPELINE FACILITIES.—

''(1) Notwithstanding subsection (a) of this section, the Secretary may pay up to 100 percent of the cost of the personnel, equipment, and activities of a State authority acting as an agent of the Secretary in conducting a special investigation involved in monitoring new construction or investigating an incident, on an interstate gas pipeline facility or an interstate hazardous liquid pipeline facility.

''(2) This subsection shall become effective on October 1, 2001.''.

SEC. 7. IMPROVED DATA AND DATA AVAILABILITY.

(a) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting ''(1)'' before ''To'';

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

''(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter and from rural gathering lines not regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

''(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation available to the Secretary within the time limits prescribed in a written request.''; and

(4) inserting ''(4)'' before ''The Secretary''.

(b) PENALTY AUTHORITIES.—

(1) Section 60122(a) is amended by striking ''60114(c)'' and substituting ''60117(b)(3)''.

(2) Section 60123(a) is amended by striking ''60114(c)'' and substituting ''60117(b)(3)''.

(c) Section 60117 is amended by adding at the end the following:

''(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary may establish the depository through cooperative arrangements, and the Secretary shall make such information available for use by State and local planning and emergency response authorities and the public.''.

SEC. 8. ENHANCED INVESTIGATION AUTHORITIES.

(a) CLARIFICATION OF AUTHORITY.—Section 60117(c) is amended by striking ''decide whether a person is complying with this chapter and standards prescribed or orders issued under this chapter'' and inserting ''carry out the duties and responsibilities of this chapter. The Secretary may question an individual about matters relevant to an investigation, including such matters as the design, construction, operation, or maintenance of the system, the individual's qualifications, or the operator's response to an emergency''.

(b) EXPENSES OF INVESTIGATION.—Section 60117, as amended by section 7, is further amended by adding at the end the following:

''(m) EXTRAORDINARY EXPENSES OF INCIDENT INVESTIGATION.—The Secretary may, by regulation, establish procedures to recover the Secretary's costs incurred because of investigation of incidents from the operators of the pipeline facilities involved in the incidents. These costs may include travel costs and contract support for the investigation and monitoring of the corrective measures. All sums collected shall be deposited into the Pipeline Safety Fund and shall be available, to the extent and in the amount provided in advance in appropriations acts, to reimburse the Secretary for the costs of investigation and monitoring of the incidents. Such amounts are authorized to be appropriated to be available until expended.''.

SEC. 9. INTERNATIONAL AUTHORITY.

Section 60117, as amended by section 8, is further amended by adding at the end the following subsection:

''(n) GLOBAL SHARING OF ENVIRONMENTAL AND SAFETY INFORMATION.—Subject to guidance and direction of the Secretary of State, the Secretary of Transportation is directed to support international efforts to share information about the risks to the public and the environment from pipelines and the means of protecting against those risks. The extent of support should include a consideration of the benefits to the public from an increased understanding by the Secretary of technical issues about pipeline safety and environmental protection and from possible improvement in environmental protection outside the United States.''.

SEC. 10. RISK MANAGEMENT DEMONSTRATION PROGRAM.

Section 60126(a) is amended by adding at the end the following paragraph:

''(3) CONTINUATION OF INDIVIDUAL PROJECT.—Without regard to any recommendations made with respect to the risk management demonstration program under subsection (e) of this section, the Secretary may, by order, allow the continuation of an individual project begun under this program beyond the termination of the program, provided the Secretary finds that—

''(A) the pipeline operator has a clear and established record of compliance with respect to safety and environmental protection;

''(B) the project is achieving superior levels of public safety and environmental protection; and

''(C) the continuation would not extend the project more than four years from the date of the initial approval of the project.''.

SEC. 11. SUPPORT FOR INNOVATIVE TECHNOLOGY DEVELOPMENT.

Section 60117, as amended by section 9, is further amended by adding at the end the following subsection:

''(o) SUPPORT FOR INNOVATIVE TECHNOLOGY DEVELOPMENT.—

''(1) To the extent and in the amount provided in advance in appropriations acts, the Secretary of Transportation shall participate in the development of alternative technologies—

''(A) in fiscal year 2001 and thereafter, to—

''(i) identify outside force damage using internal inspection devices; and

''(ii) monitor outside-force damage to pipelines; and

''(B) In fiscal year 2002 and thereafter, to inspect pipelines that cannot accommodate internal inspection devices available on the date of the enactment of the Pipeline Safety and Community Protection Act of 2000.

''(2) The Secretary may support such technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.''.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 60125 is amended—

(1) by striking subsections (a), (b), (c)(1), and (d) and inserting the following:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

''(1) $30,118,000 for fiscal year 2001; and

''(2) such sums as may be necessary for fiscal years 2002, 2003, and 2004.

''(b) STATE GRANTS.—

''(1) Not more than the following amounts may be appropriated to the Secretary to carry out section 60107:

''(A) $17,019,000 for fiscal year 2001.

''(B) Such sums as may be necessary for fiscal years 2002, 2003, and 2004.''; and

(2) redesignating subsections (e) and (f) as subsections (c) and (d), respectively.

Mr. SARBANES. Mr. President, I am pleased to join with my colleague, Senator HOLLINGS, in introducing, by request, the Pipeline Safety and Community Protection Act of 2000 proposed and announced yesterday by Vice President GORE. This legislation is an important step forward in improving safety and environmental protection in oil and gas pipelines.

Mr. President, last Friday night, the State of Maryland experienced a major oil spill—one its worst spills in many years. More than 110,000 gallons of No. 2 oil leaked from a pipe at Pepco's Chalk Point Generating Station into Swanson Creek in Prince Georges County. Bad weather and high winds exacerbated the problem and spread the spill into the Patuxent River. It has now affected some 8 miles of shoreline, acres of sensitive wetland habitat, and dozens of wildlife in three counties along the Patuxent.

Six federal agencies—EPA, the U.S. Coast Guard, Fish and Wildlife Service, National Oceanic and Atmospheric Administration, U.S. Department of Transportation and the National Transportation Safety Board—are on site coordinating clean-up activities and investigations into the causes of the leak. The Maryland Departments of the Environment and Natural Resources have taken steps to protect and rehabilitate impacted wildlife and to restrict harvesting in clam and oyster beds in the area. Pepco crews and contractors have recovered more than 70,000 gallons of the spilled oil. But recovering or cleaning up the remaining oil will be much more difficult and its cumulative impact on the environment will not be known for months, if not years. The Federal and State agencies have an important responsibility to ensure that Pepco does everything possible to clean up the spill and remediate the environmental and economic damage. But an aggressive clean-up effort must be accompanied with a comprehensive program to prevent such spills from occurring in the first place. While the precise cause of this oil leak is not yet known and is still under investigation, steps can and must be taken to help detect problems before pipelines fail and to minimize the environmental and other consequences of a failure.

The Pipeline Safety and Community Protection Act being introduced today would reauthorize and enhance the U.S. Department of Transportation's pipeline safety program by increasing inspection and testing of pipeline integrity. It would require pipeline operators to take extra precautions in populated or environmentally sensitive areas, such as the area where the Pepco spill occurred. It would strengthen enforcement authorities by expanding penalties for violations and compliance monitoring by Federal and State investigators. It would expand research into new technologies for monitoring pipelines and detecting leaks. Finally, it would strengthen Community-Right-to-Know and reporting requirements on releases and authorize additional funding for the Department's and State pipeline safety activities.

Mr. President, this legislation is strongly supported by the State of Maryland and represents a constructive step forward in enhancing safety and environmental protection in pipeline transportation. I look forward to working with the members of the Commerce Committee as they consider this and other proposals to reauthorize the pipeline safety program.

By Mr. MURKOWSKI (by request):

S. 2410. A bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; to the Committee on Energy and Natural Resources.

AUTHORIZATION INCREASE FOR THE RECLAMATION SAFETY OF DAMS ACT

Mr. MURKOWSKI. Mr. President, I send to the desk, for appropriate reference, legislation submitted by the administration to increase the authorization of appropriations for the Bureau of Reclamation's Safety of Dams program. Let me emphasize that I am introducing this legislation at the request of the administration. Neither I nor any other member of the Committee on Energy and Natural Resources has taken a position on the merits of the legislation at this time. I understand some water users have expressed concerns with this legislation, and I want to assure them that the Water and Power Subcommittee, to which this bill will be referred, will have a hearing on the legislation so that they can make their concerns a part of the record and address them in the legislative process. Ensuring the safety of dams under the jurisdiction of the Bureau of Reclamation is very important but is must be done in a way that ensures safety at Reclamation facilities while not causing undue financial hardship for project beneficiaries. I ask unanimous consent that the letter of transmittal from the administration and a section-by-section of the legislation that the administration prepared be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, August 5, 1999.

Hon. ALBERT GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is draft legislation to increase by $380,000,000 the authorized cost ceiling for the Bureau of Reclamation's dam safety program authorized program authorized in Public Law 95–578 and Public Law 98–404. I would appreciate your assistance in seeing that this legislation is introduced, referred to the appropriate Congressional Committee for consideration, and enacted.

The Bureau of Reclamation's dam safety program is designed to ensure that its facilities are operated in a safe and reliable condition. The purpose of the program is to protect the public, property and natural resources downstream of Reclamation structures.

The Bureau of Reclamation expends approximately $60 million per year for dam safety purposes and estimates that the existing $650,000,000 cost ceiling will be exceeded in Fiscal Year 2001. The enclosed legislation is necessary to continue funding this important program.

In addition to increasing the authorized cost ceiling, the legislation would make a few important changes to the dam safety program. Under existing law, irrigators are required to pay a portion of the dam safety costs within 50 years without interest. The draft bill would amend the statute to charge interest on the dam safety costs allocated for irrigation purposes, This makes irrigation repayment terms for dam safety activities consistent with municipal and industrial water supply.

Existing law also requires the Bureau of Reclamation to send a dam modifications report to Congress for dam safety work costing more than $750,000. The report must rest before Congress for 60 legislative days prior to Reclamation obligating funds for dam safety construction, The attached legislation would raise the threshold for a Congressional report to $1.2 million, reduce to 30 calendar days the time required for a dam safety modification report to rest in Congress prior to Reclamation commencing dam safety repair work.

A section-by-section analysis of the legislation also is attached. Thank you for your consideration of this request.

A similar package has been transmitted to the Speaker of the House of Representatives. If you have any questions concerning this

legislation, please contact James Hess, Acting Chief, Congressional and Legislative Affairs Group for the Bureau of Reclamation, at 202–208–5840.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal from the standpoint of the administration's program.

Sincerely,

ELUID L. MARTINEZ,
Commissioner.

Enclosure

SECTION-BY-SECTION ANALYSIS

Section (A)(1). Makes Federal dam safety assistance unavailable for costs incurred because the operating entity does not adequately maintain the structure.

Section 1(A)(2)(a). Makes the additional $380 million authorized to be appropriated by Section 1(B)(1) subject to the 15 percent reimbursability requirement.

Section 1(A(2)(b). Strikes the existing provision that limits repayment of the costs allocated to irrigation to the irrigators' ability to pay.

Section 1(A)(2)(c)–(d). Renumbers the subsections of existing Section 4.

Section 1(A)(2)(e). Existing law requires that dam safety costs allocated to certain purposes, including municipal, industrial, and power, but not including irrigation, be repaid with interest. This provision includes irrigation costs among those to be repaid with interest. Furthermore, costs allocated to irrigation under this Act should be repaid by the irrigators without assistance from power revenues.

Section 1(A)(2)(f). Explicitly provides that costs allocated under this Act to project purposes will be repaid with interest and without regard to water users' ability to pay, thereby eliminating any assistance from power users to water users.

Section 1(A)(3). Authorizes the Secretary to use monies received pursuant to a repayment contract at any time prior to completion of the dam safety construction work.

Section 1(B)(1). Authorizes the appropriation of an additional $380 million (indexed for inflation) for dam safety.

Section 1(B)(2). Increases to $1,200,000 (indexed for inflation) the threshold amount of triggering when the Bureau of Reclamation must send a modification report to Congress prior to obligating funds for dam safety construction. Existing law requires a report for any obligation exceeding $750,000.

Section 1(B)(3). Reduces from 60 legislative days to 30 calendar days the time that a dam safety modification report must lie before Congress before the Bureau of Reclamation can obligate funds for dam safety construction.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. HARKIN, Mr. CONRAD, Mr. DORGAN, Mr. JOHNSON, Mr. FEINGOLD, Mr. KOHL, Mr. KERREY, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. LEVIN, and Mr. JEFFORDS)

S. 2411. A bill to enhance competition in the agricultural sector and to protect family farms and ranches and rural communities from unfair, unjustly discriminatory, or deceptive practices by agribusinesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS AND RANCHERS FAIR COMPETITION ACT OF 2000

Mr. DASCHLE. 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. 2411

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''Farmers and Ranchers Fair Competition Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Congressional Joint Economic Committee data suggests that over the last 15 years, agribusiness profits have come almost exclusively out of producer income, rather than from increased retail prices. Given the lack of market power of producers, this data raises the question of whether the trend has been a natural market development or is instead a sign of market failure.

(2) Most economists agree that in the last 15 years the real market price for a market basket of food has increased by approximately 3 percent, while the farm value of that food has fallen by approximately 38 percent. Over that period, marketing costs have decreased by 15 percent, which should have narrowed rather than widened the gap.

(3) There is significant concern that increasingly vertically integrated multinational corporations, especially those that own broad biotechnology patents, may be able to exert unreasonable and excessive market power in the future by acquiring companies that own other broad biotechnology patents.

(4) The National Association of Attorneys General is very concerned with the high degree of economic concentration in the agricultural sector and the great potential for anticompetitive practices and behavior. They estimate the top 4 meat packing firms control over 80 percent of steer and heifer slaughter, over 55 percent of hog slaughter, and over 65 percent of sheep slaughter. Increased concentration in the dairy procurement and processing sector is also raising significant concerns.

(5) In the grain industry, United States Department of Agriculture reports that the top 4 firms controlled 56 percent of flour milling, 73 percent of wet corn milling, 71 percent of soybean milling, and 62 percent of cotton seed oil milling.

(6) Moreover, the figures in paragraphs (4) and (5) underestimate true levels of concentration and potential market power because they fail to reflect the web of unreported and difficult to trace joint ventures, strategic alliances, interlocking directorates, and other partial ownership arrangements that link many large corporations.

(7) Concentration of market power also has the effect of increasing the transfer of investment, capital, jobs, and necessary social services out of rural areas to business centers throughout the world. Many individuals representing a wide range of expertise have expressed concern with the potential implications of this trend for the greater public good.

(8) The recent increase in contracting for the production or sale of agricultural commodities, such as livestock and poultry, is a cause for concern because of the significant bargaining power the buyers of these products or services wield over individual farmers and ranchers.

(9) Transparent, freely accessible, and competitive markets are being supplanted by transfer prices set within vertically integrated firms and by the increasing use of private contracts.

(10) Agribusiness firms are showing record profits at the same time that farmers and ranchers are struggling to survive an ongoing price collapse and erratic price trends.

(11) The efforts of farmers and ranchers to improve their market position is hampered by—

(A) extreme disparities in bargaining power between agribusiness firms and the hundreds of thousands of individual farmers and ranchers that sell products to them;

(B) the rapid increase in the use of private contracts that disrupt price discovery and can unfairly disadvantage producers;

(C) the extreme market power of agribusiness firms and alleged anticompetitive practices in the industry;

(D) shrinking opportunities for market access by producers; and

(E) the direct and indirect impact these factors have on the continuing viability of thousands of rural communities across the country.

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

(1) enhance fair and open competition in rural America, thereby fostering innovation and economic growth;

(2) permit the Secretary to take actions to enhance the bargaining position of family farmers and ranchers, and to promote the viability of rural communities nationwide;

(3) protect family farms and ranches from—

(A) unfair, unjustly discriminatory, or deceptive practices or devices;

(B) false or misleading statements;

(C) retaliation related to statements lawfully provided; and

(D) other unfair trade practices employed by processors and other agribusinesses; and

(4) permit the Secretary to take actions to enhance the viability of rural communities nationwide.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL COOPERATIVE.—The term ''agricultural cooperative'' means an association of persons engaged in the production, marketing, or processing of an agricultural commodity that meets the requirements of the Act of February 18, 1922, ''An Act to authorize association of producers of agricultural products'' (7 U.S.C. 291 et seq.; 42 Stat. 388) (commonly known as the ''Capper-Volstead Act'').

(3) BROKER.—The term ''broker'' means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, except that no person shall be considered a broker if the person's sales of such commodities are not in excess of $1,000,000 per year.

(4) COMMISSION MERCHANT.—The term ''commission merchant'' means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another, except that no person

shall be considered a commission merchant if the person's sales of such commodities are not in excess of $1,000,000 per year.

(5) DEALER.—The term ''dealer'' means—

(A) any person (except an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except—

(i) no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person shall be considered a dealer who buys, sells, or markets less than $1,000,000 per year of such commodities; and

(B) an agricultural cooperative which sells or markets agricultural commodities of its members' own production if such agricultural cooperative sells or markets more than $1,000,000 of its members' production per year of such commodities.

(6) PROCESSOR.—The term ''processor'' means—

(A) any person (except an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing in interstate or foreign commerce for human consumption except—

(i) no person shall be considered a processor with respect to the handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person who handles, prepares, or manufactures (including slaughtering) an agricultural commodity in an amount less than $1,000,000 per year shall be considered a processor; and

(B) an agricultural cooperative which processes agricultural commodities of its members' own production if such agricultural cooperative processes more than $1,000,000 of its members' production of such commodities per year.

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

SEC. 4. PROHIBITIONS AGAINST UNFAIR PRACTICES IN TRANSACTIONS INVOLVING AGRICULTURAL COMMODITIES.

(a) PROHIBITIONS.—It shall be unlawful in, or in connection with, any transaction in interstate or foreign commerce for any dealer, processor, commission merchant, or broker—

(1) to engage in or use any unfair, unreasonable, unjustly discriminatory, or deceptive practice or device in the marketing, receiving, purchasing, sale, or contracting for the production of any agricultural commodity;

(2) to make or give any undue or unreasonable preference or advantage to any particular person or locality or subject any particular person or locality to any undue or unreasonable disadvantage in connection with any transaction involving any agricultural commodity;

(3) to make any false or misleading statement in connection with any transaction involving any agricultural commodity that is purchased or received in interstate or foreign commerce, or involving any production contract, or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction or production contract;

(4) to retaliate against or disadvantage, or to conspire to retaliate against or disadvantage, any person because of statements or information lawfully provided by such person to any person (including to the Secretary or to a law enforcement agency) regarding alleged improper actions or violations of law by such dealer, processor, commission merchant, or broker (unless such statements or information are determined to be libelous or slanderous under applicable State law);

(5) to include as part of any new or renewed agreement or contract a right of first refusal, or to make any sale or transaction contingent upon the granting of a right of first refusal, until 180 days after the General Accounting Office study under section 8 is complete; or

(6) to offer different prices contemporaneously for agricultural commodities of like grade and quality (except commodities regulated by the Perishable Agricultural Commodities Act (7 U.S.C. 181 et seq.)) unless—

(A) the commodity is purchased in a public market through a competitive bidding process or under similar conditions which provide opportunities for multiple competitors to seek to acquire the commodity;

(B) the premium or discount reflects the actual cost of acquiring a commodity prior to processing; or

(C) the Secretary has determined that such types of offers do not have a discriminatory impact against small volume producers.

(b) VIOLATIONS.—

(1) COMPLAINTS.—Whenever the Secretary has reason to believe that any dealer, processor, commission merchant, or broker has violated any provision of subsection (a), the Secretary shall cause a complaint in writing to be served on that person or persons, stating the charges in that respect, and requiring the dealer, processor, commission merchant, or broker to attend and testify at a hearing to be held not sooner than 30 days after the service of such complaint.

(2) HEARING.—

(A) IN GENERAL.—The Secretary may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require the attendance and testimony of witnesses and the production of such accounts, records, and memoranda, as the Secretary deems necessary, for the determination of the existence of any violation of this subsection.

(B) RIGHT TO HEARING.—A dealer, processor, commission merchant, or broker may request a hearing if the dealer, processor, commission merchant, or broker is subject to penalty for unfair conduct, under this subsection.

(C) RESPONDENTS RIGHTS.—During a hearing the dealer, processor, commission merchant, or broker shall be given, pursuant to regulations issued by the Secretary, the opportunity—

(i) to be informed of the evidence against such person;

(ii) to cross-examine witnesses; and

(iii) to present evidence.

(D) HEARING LIMITATION.—The issues of any hearing held or requested under this section shall be limited in scope to matters directly related to the purpose for which such hearing was held or requested.

(3) REPORT OF FINDING AND PENALTIES.—

(A) IN GENERAL.—If, after a hearing, the Secretary finds that the dealer, processor, commission merchant, or broker has violated any provisions of subsection (a), the Secretary shall make a report in writing which states the findings of fact and includes an order requiring the dealer, processor, commission merchant, or broker to cease and desist from continuing such violation.

(B) CIVIL PENALTY.—The Secretary may assess a civil penalty not to exceed $100,000 for each such violation of subsection (a).

(4) TEMPORARY INJUNCTION AND FINALITY AND APPEALABILITY OF AN ORDER.—

(A) TEMPORARY INJUNCTION.—At any time after a complaint is filed under paragraph (1), the court, on application of the Secretary, may issue a temporary injunction, restraining to the extent it deems proper, the dealer, processor, commission merchant, or broker and such person's officers, directors, agents, and employees from violating any of the provisions of subsection (a).

(B) APPEALABILITY OF AN ORDER.—An order issued pursuant to this subsection shall be final and conclusive unless within 30 days after service of the order, the dealer, processor, commission merchant, or broker petitions to appeal the order to the court of appeals for the circuit in which such person resides or has its principal place of business or the District of Columbia Circuit Court of Appeals.

(C) DELIVERY OF PETITION.—The clerk of the court shall immediately cause a copy of the petition filed under subparagraph (B) to be delivered to the Secretary and the Secretary shall thereupon file in the court the record of the proceedings under this subsection.

(D) PENALTY FOR FAILURE TO OBEY AN ORDER.—Any dealer, processor, commission merchant, or broker which fails to obey any order of the Secretary issued under the provisions of this section after such order or such order as modified has been sustained by the court or has otherwise become final, shall be fined not less than $5,000 and not more than $100,000 for each offense. Each day during which such failure continues shall be deemed a separate offense.

(5) RECORDS.—

(A) IN GENERAL.—Every dealer, processor, commission merchant, and broker shall keep for a period of not less than 5 years such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) and fully and correctly disclose all transactions involved in the business of such person, including the true ownership of the business.

(B) FAILURE TO KEEP RECORDS OR ALLOW THE SECRETARY TO INSPECT RECORDS.—Failure to keep, or allow the Secretary to inspect records as required by this paragraph shall constitute an unfair practice in violation of subsection (a)(1).

(C) INSPECTION OF RECORDS.—The Secretary shall have the right to inspect such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) of any dealer, processor, commission merchant, and broker as may be material to the investigation of any alleged violation of this section or for the purpose of investigating the business conduct or practices of an organization with respect to such dealer, processor, commission merchant or broker.

(c) COMPENSATION FOR INJURY.—

(1) ESTABLISHMENT OF THE FAMILY FARMER AND RANCHER CLAIMS COMMISSION.—

(A) IN GENERAL.—The Secretary shall appoint 3 individuals to a commission to be known as the ''Family Farmer and Rancher Claims Commission'' (in this subsection referred to as the ''Commission'') to review claims of family farmers and ranchers who have suffered financial damages as a result of any violation of this section as determined by the Secretary pursuant to subsection (b)(3).

(B) TERM OF SERVICE.—The member of the Commission shall serve 3-year terms which may be renewed. The initial members of the Commission may be appointed for a period of less than 3 years, as determined by the Secretary.

(2) REVIEW OF CLAIMS.—

(A) SUBMISSION OF CLAIMS.—Family farmers and ranchers damaged as a result of a violation of this section as determined by the Secretary, pursuant to subsection (c)(3) may preserve the right to claim financial damages under this section by filing a claim pursuant to regulations promulgated by the Secretary.

(B) DETERMINATION.—Based on a review of such claims, the Commission shall determine the amount of damages to be paid, if any, as a result of the violation.

(C) REVIEW.—The decisions of the Commission under this paragraph shall not be subject to judicial review except to determine that the amount of damages to be paid is consistent with the published regulations of the Secretary that establish the criteria for implementing this subsection.

(3) FUNDING.—

(A) IN GENERAL.—Funds collected from civil penalties pursuant to this section shall be transferred to a special fund in the Treasury, shall be made available to the Secretary without further appropriation, and shall remain available until expended to pay the expenses of the Commission and the claims described in this subsection.

(B) AUTHORIZATION OF APPROPRIATION.—In addition to the funds described in subparagraph (A), there are authorized to be appropriated such sums as may be necessary to carry out this section.

(4) NO PRECLUSION OF PRIVATE CLAIMS.—By filing an action under this subsection, a family farmer or rancher is not precluded from bringing a cause of action against a dealer, processor, commission, merchant, or broker in any court of appropriate jurisdiction.

(d) AUTHORITY OF THE SECRETARY.—Not later than 180 days after the date of enactment of this section, the Secretary and the Attorney General shall develop and implement a plan to enable, where appropriate, the Secretary to file civil actions, including temporary injunctions, to enforce orders issued by the Secretary under this Act.

SEC. 5. REPORTS OF THE SECRETARY ON POTENTIAL UNFAIR PRACTICES.

(a) FILING PREMERGER NOTICES WITH THE SECRETARY.—No dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules promulgated by the Secretary if—

(1) any voting securities or assets of the dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities or other agricultural related business with annual net sales or total assets of $10,000,000 or more are being acquired by a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business which has total assets or annual net sales of $100,000,000 or more; and

(2) any voting securities or assets of a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business with annual net sales or total assets of $100,000,000 or more are being acquired by any dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or agriculture related business with annual net sales or total assets of $10,000,000 or more and as a result of such acquisition, if the acquiring person would hold—

(A) 15 percent or more of the voting securities or assets of the acquired person; or

(B) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

(b) REVIEW OF THE SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may conduct a review of any merger or acquisition described in subsection (a).

(2) EXCEPTION.—The Secretary shall conduct a review of any merger or acquisition described in subsection (a) upon a request from a member of Congress.

(c) ACCESS TO RECORDS.—The Secretary may request any information including any testimony, documentary material, or related information from a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business, pertaining to any merger or acquisition of any agriculture related business.

(d) PURPOSE OF REVIEW.—

(1) FINDINGS.—The review described in subsection (a) shall make findings whether the merger or acquisition could—

(A) be significantly detrimental to the present or future viability of family farms or ranches or rural communities in the areas affected by the merger or acquisition, pursuant to standards established by the Secretary; or

(B) lead to a violation of section 4(a) of this Act.

(2) REMEDIES.—The review may include a determination of possible remedies regarding how the parties of the merger or acquisition may take steps to modify their operations to address the findings described in paragraph (1).

(e) REPORT OF REVIEW.—

(1) PRELIMINARY REPORT.—After conducting the review described in this section, the Secretary shall issue a preliminary report to the parties of the merger or acquisition and the Attorney General or the Federal Trade Commission, as appropriate, which shall include findings and any remedies described in subsection (d)(2).

(2) FINAL REPORT.—After affording the parties described in paragraph (1) an opportunity for a hearing regarding the findings and any proposed remedies in the preliminary report, the Secretary shall issue a final report to the President and Attorney General or the Federal Trade Commission, as appropriate, with respect to the merger or acquisition.

(f) IMPLEMENTATION OF THE REPORT.—Not later than 120 days after the issuance of a final report described in subsection (e), the parties of the merger or acquisition affected by such report shall make changes to their operations or structure to comply with the findings and implement any suggested remedy or any agreed upon alternative remedy and shall file a response demonstrating such compliance or implementation.

(g) CONFIDENTIALITY OF INFORMATION.—Information used by the Secretary to conduct the review pursuant to this section provided by a party of the merger or acquisition under review or by a government agency shall be treated by the Secretary as confidential information pursuant to section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276), except that the Secretary may share any information with the Attorney General, the Federal Trade Commission, and a party seeking a hearing pursuant to subsection (e)(2) with respect to information relating to such party. The report issued under subsection (e) shall be available to the public consistent with the confidentiality provisions of this subsection.

(h) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $300,000 for the failure of a person to comply with the requirements of subsections (a) and (f). Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of subsections (a) and (f), the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the additional civil penalty assessed under this paragraph.

SEC. 6. PLAIN LANGUAGE AND DISCLOSURE REQUIREMENTS FOR CONTRACTS.

(a) IN GENERAL.—Any contract between a family farmer or rancher and a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall—

(1) be written in a clear and coherent manner using words with common and everyday meanings and shall be appropriately divided and captioned by various sections;

(2) disclose in a manner consistent with paragraph (1)—

(A) contract duration;

(B) contract termination;

(C) renegotiation standards;

(D) responsibility for environmental damage;

(E) factors to be used in determining performance payments;

(F) which parties shall be responsible for obtaining and complying with necessary local, State, and Federal government permits; and

(G) any other contract terms the Secretary determines is appropriate for disclosure; and

(3) not contain a confidentiality requirement barring a party of a contract from sharing terms of such contract (excluding trade secrets as applied in the Freedom of Information Act (5 U.S.C. 552 et seq.)) for the purposes of obtaining legal or financial advice or for the purpose of responding to a request from Federal or State agencies.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1), a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the amount of the additional civil penalty assessed under this paragraph.

(c) IMPLEMENTATION.—The requirements imposed by this section shall be applicable to contracts entered into or renewed 60 days or subsequently after the date of enactment of this Act.

SEC. 7. REPORT ON CORPORATE STRUCTURE.

(a) IN GENERAL.—A dealer, processor, commission merchant, or broker with annual sales in excess of $100,000,000 shall annually file with the Secretary, a report which describes, with respect to both domestic and foreign activities; the strategic alliances; ownership in other agribusiness firms or agribusiness-related firms; joint ventures; subsidiaries; brand names; and interlocking boards of directors with other corporations, representatives, and agents that lobby Congress on behalf of such dealer, processor,

commission merchant, or broker, as determined by the Secretary. This subsection shall not be construed to apply to contracts.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such a hearing shall be limited to the issue of the amount of the civil penalty

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the amount of the additional civil penalty assessed under this paragraph.

SEC. 8. MANDATORY FUNDING FOR STAFF.

Out of the funds in the Treasury not otherwise appropriated, the Secretary of Treasury shall provide to the Secretary of Agriculture $7,000,000 in each of fiscal years 2002 through 2006, to hire, train, and provide for additional staff to carry out additional responsibilities under this Act, including a Special Counsel on Fair Market and Rural Opportunity, additional attorneys for the Office of General Counsel, investigators, economists, and support staff. Such sums shall be made available to the Secretary without further appropriation and shall be in addition to funds already made available to the Secretary for the purposes of this section.

SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.

The Comptroller General of the United States, in consultation with the Attorney General, the Secretary, the Federal Trade Commission, the National Association of Attorney's General, and others, shall—

(1) study competition in the domestic farm economy with a special focus on protecting family farms and ranches and rural communities and the potential for monopsonistic and oligopsonistic effects nationally and regionally; and

(2) provide a report to the appropriate committees of Congress not later than 1 year after the date of enactment of this Act on—

(A) the correlation between increases in the gap between retail consumer food prices and the prices paid to farmers and ranchers and any increases in concentration among processors, manufacturers, or other firms that buy from farmers and ranchers;

(B) the extent to which the use of formula pricing, marketing agreements, forward contracting, and production contracts tend to give processors, agribusinesses, and other buyers of agricultural commodities unreasonable market power over their producer/suppliers in the local markets;

(C) whether the granting of process patents relating to biotechnology research affecting agriculture during the past 20 years has tended to overly restrict related biotechnology research or has tended to overly limit competition in the biotechnology industries that affect agriculture in a manner that is contrary to the public interest, or could do either in the future;

(D) whether acquisitions of companies that own biotechnology patents and seed patents by multinational companies have the potential for reducing competition in the United States and unduly increasing the market power of such multinational companies;

(E) whether existing processors or agribusiness have disproportionate market power and if competition could be increased if such processors or agribusiness were required to divest assets to assure that they do not exert this disproportionate market power over local markets;

(F) the extent of increase in concentration in milk processing, procurement and handling, and the potential risks to the economic well-being of dairy farmers, and to the National School Lunch program, and other Federal nutrition programs of that increase in concentration;

(G) the impact of mergers, acquisitions, and joint ventures among dairy cooperatives on dairy farmers, including impacts on both members and nonmembers of the merging cooperatives;

(H) the impact of the significant increase in the use of stock as the primary means of effectuating mergers and acquisitions by large companies;

(I) the increase in the number and size of mergers or acquisitions in the United States and whether some of such mergers or acquisitions would have taken place if the merger or acquisition had to be consummated primarily with cash, other assets, or borrowing; and

(J) whether agricultural producers typically appear to derive any benefits (such as higher prices for their products or any other advantages) from right-of-first-refusal provisions contained in purchase contracts or other deals with agribusiness purchasers of such products.

SEC. 10. AUTHORITY TO PROMULGATE REGULATIONS.

The Secretary of Agriculture shall have the authority to promulgate regulations to carry out the responsibilities of the Secretary under this Act.

By Mr. MCCAIN:

S. 2412. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

● Mr. MCCAIN. Mr. President, today I am introducing the National Transportation Safety Board Amendments Act of 2000. This bill proposes to reauthorize the National Transportation Safety Board (NTSB) through fiscal year 2003.

The NTSB is an independent agency charged with determining the probable cause of transportation accidents and promoting transportation safety. Among its many duties, the Board investigates accidents, conducts safety studies, and evaluates the effectiveness of other government agencies' programs for preventing transportation accidents. In my view, the NTSB is one of our nation's most critical governmental agencies and I want to commend its excellent work.

Since its inception in 1967, the NTSB has investigated more than 110,000 aviation accidents, at least 10,000 other accidents in the surface modes and issued more than 11,000 safety recommendations. The Board's commitment to accident investigation and the development of safety recommendations to prevent accidents from recurring is indeed admirable. The NTSB staff works tirelessly, and in many cases, under the least desirable circumstances.

The NTSB's authorization expired last September. The Board has submitted a reauthorization proposal and the Senate Committee on Commerce, Science, and Transportation held a hearing last year to review the Board's request. The reauthorization legislation I am introducing is intended to provide the Board with the resources necessary to carry out its important safety investigatory duties and provide further assistance to the Board in its efforts to fulfill its mission.

The legislation would authorize the Board for Fiscal years 2000–2003. As the Board requested, the bill would provide significant funding increases over the level currently authorized. The Chairman of the Board has testified that these funds are necessary in order to insure that the NTSB continues to make timely and accurate determinations of the probable causes of accidents, formulate realistic and feasible safety recommendations, and respond to the families of victims of transportation disasters in a professional and compassionate manner following those tragedies. The legislation also would raise the Board's emergency fund to the level commensurate to that which has been appropriated in recent years.

The bill includes language requested by the Safety Board to require the withholding from public disclosure of voice and video recorder information for all modes of transportation comparable to the protections already statutorily provided for cockpit voice recorders (CVRs). This provision would be an important step in ensuring that railroad, maritime, and motor vehicle recorders are properly protected from unwarranted disclosure or alternative use.

The bill provides the Board with authority to establish reasonable rates of overtime pay for its employees directly involved in accident-related work both on-scene and investigative. This authority was requested in acknowledgment of the extensive time spent by NTSB staff in carrying out their duties and the Board's inability under current law to more fairly compensate these employees. I want to remind my colleagues that the Federal Aviation Administration and the Coast Guard already have been provided authority by Congress to administer similar personnel payment matters.

The Board's budget has dramatically increased over the years and this measure includes a number of financial accountability provisions. Currently, the NTSB is one of the few agencies of the Federal Government not required to have a Chief Financial Office (CFO). While the Board on its own initiative does have a CFO, this bill would make that position permanent. The legislation also statutorily authorizes the Chairman to establish annual travel budgets to govern Board Member non-accident travel. After concerns were raised last year over excessive Board Member travel by myself and others, the Chairman established annual budgets and procedures governing non-accident-related travel. His actions were an important step in addressing fiscal accountability at the Board and I believe

they should be continued in the future. Further, the bill would give the Inspector General of the Department of Transportation the authority to review the financial management and business operations of the Board to determine compliance with applicable Federal laws, rules, and regulations.

I have only taken time today to highlight a few sections of the bill. But I assure my colleagues that there are other provisions in the legislation designed to give the Safety Board the necessary tools to continue to fulfill its critical safety mission.

Mr. President. I urge my colleagues' support of this measure and look forward to bringing it to the full Senate for consideration in the near future.●

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. THURMOND, Mr. BINGAMAN, Mr. JEFFORDS, Mr. SARBANES, Mr. COVERDELL, Mr. ROBB, Mr. SCHUMER, Mr. REED, and Mr. REID):

S. 2413. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests; to the Committee on the Judiciary.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

● Mr. CAMPBELL. Mr. President, today Senator LEAHY and I are introducing the Bulletproof Vest Partnership Grant Act of 2000, a bill to expand an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for the use by law enforcement officers. This bill represents another in a series of law enforcement legislative initiatives on which I have had the privilege to work with my friend and colleague from Vermont, Senator LEAHY. The Senator brings to the table invaluable experience in this area, from his distinguished service as a State's attorney in Vermont, a nationally recognized prosecutor, and as the ranking member of the Senate Judiciary Committee. We are pleased to be joined in this effort by the distinguished chairman of the Senate Judiciary Committee, Senator HATCH, and Senators THURMOND, BINGAMAN, JEFFORDS, SARBANES, COVERDELL, ROBB, SCHUMER, REED, and REID.

Two years ago, Congress passed and the President signed into law the Bulletproof Vest Partnership Grant Act of 1998 (P.L. 105–181), which we were privileged to introduce. This highly successful Department of Justice grant program has already funded 92,000 new bulletproof vests for police officers across the country.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. As a former deputy sheriff, I know first-hand the risks which law enforcement officers face every day on the front lines protecting our communities.

Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the nation's 600,000 state and local officers—do not have access to bulletproof vests.

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 1,500 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own. The Bulletproof Vest Partnership Grant Act of 2000 would continue the partnership with state and local law enforcement agencies to make sure that every police officer who needs a bulletproof vest gets one. It would do so by authorizing up to $50 million per year for the grant program within the U.S. Department of Justice. In addition, the program would provide 50–50 matching grants to state and local law enforcement agencies and Indian tribes with under 100,000 residents to assist in purchasing bulletproof vests and body armor. Finally, this bill will make the purchase of stabproof vests eligible for grant awards.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. The United States Senate can help, and I urge our colleagues to support prompt passage of this legislation.

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. 2413

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 ''Bulletproof Vest Partnership Grant Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

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

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

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

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

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) MATCHING FUNDS.—Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f) is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—The portion'';

(2) by striking ''subsection (a)'' and all that follows through the period at the end of the first sentence and inserting ''subsection (a)—

''(A) may not exceed 50 percent; and

''(B) shall equal 50 percent, if—

''(i) such grant is to a unit of local government with fewer than 100,000 residents;

''(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

''(iii) such portion does not cause such grant to violate the requirements of subsection (e).''; and

(3) by striking ''Any funds'' and inserting the following:

''(2) INDIAN ASSISTANCE.—Any funds''.

(b) ALLOCATION OF FUNDS.—Section 2501(g) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(g)) is amended to read as follows:

''(g) ALLOCATION OF FUNDS.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.''.

(c) APPLICATIONS.—Section 2502 of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–1) is amended by adding at the end the following:

''(d) APPLICATIONS IN CONJUNCTION WITH PURCHASES.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

''(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

''(2) expressly assumes the obligation to carry out the transaction, regardless of whether such amounts are received.''.

(d) DEFINITION OF ARMOR VEST.—Section 2503(1) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–2(1)) is amended—

(1) by striking ''means body armor'' and inserting the following: ''means—

''(A) body armor'';

(2) by adding ''or'' at the end; and

(3) by adding at the end the following:

''(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(23) of title I of the Omnibus

Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by inserting before the period at the end the following: '', and $50,000,000 for each of fiscal years 2002 through 2004''.●

Mr. LEAHY. Mr. President, I am proud to join the Senior Senator from Colorado in introducing the Bulletproof Vest Partnership Grant Act of 2000. We worked together closely and successfully with the Chairman of the Judiciary Committee in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. I am pleased that Senator HATCH is again an original cosponsor of this bill. I am also pleased that Senators SCHUMER, REID of Nevada, SARBANES, ROBB, BINGAMAN, THURMOND, COVERDELL, and REED of Rhode Island are joining us as original cosponsors.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

To better protect our Nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998 (public law 105–181). The law created a $25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999–2001.

In its first year of operation, the Bulletproof Vest Partnership Grant Program funded 92,000 new bulletproof vests for our Nation's police officers, including 361 vests for Vermont police officers. Applications are now available at the program's web site at http://vests.ojp.gov/ for this year's funds. The entire process of submitting applications and obtaining federal funds is completed through this web site.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers and sheriffs who face violent criminals in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential that we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

In the last Congress, we created the Bulletproof Vest Partnership Grant Program in part in response to the tragic Drega incident along the Vermont and New Hampshire border. On August 19, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. This madman had just shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega lost his life.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, who was seriously wounded in the incident. If it was not for his bulletproof vest, I would have been attending Officer Pfeifer's wake instead of visiting him, and meeting his wife and young daughter in the hospital a few days later. I am relieved that Officer John Pfeifer is doing well and is back on duty today.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons used by this madman. We all grieve for the two New Hampshire officers who were killed. Their tragedy underscore the point that all of our law enforcement officers, whether federal, state or local, deserve the protection of a bulletproof vest. With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Grant Act of 2000 will provide state and local law enforcement agencies with more of the assistance they need to protect their officers. Our bipartisan legislation enjoys the endorsement of many law enforcement organizations, including the Fraternal Order of Police and the National Sheriffs' Association. In my home State of Vermont, the bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our Nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be ''routine.'' Each and every law enforcement officer across the Nation deserves the protection of a bulletproof vest.

I look forward to working with my colleagues to ensure that each and every law enforcement agency in Vermont and across the Nation can afford basic protection for their officers.

By Mr. WELLSTONE:

S. 2414. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. WELLSTONE. Mr. President, I rise to introduce a bill today. I would like to thank my colleague, Senator BROWNBACK, for his superb work. It is called the Trafficking Victims Protection Act of 2000. Basically, this is legislation I am doing together with Senator BROWNBACK. We are very hopeful we will have strong support in the Senate Foreign Relations Committee, starting with the chairman.

The long and the short of it, colleagues, is, though, it is hard to believe, in the year 2000, there are maybe 50,000 women and children trafficked to our country, maybe as many as 2 million worldwide.

It is a dark, dark feature of this new world economy, where women and children are basically responding to ads, going to other countries, believing they will find employment; and they are forced into prostitution, they are forced into labor, and the conditions are absolutely atrocious.

It is unbelievable what has happened to these women and children. Therefore, we put an emphasis on, No. 1, prevention, to make sure that through AID we get information out to people in other countries, so women and children are not entrapped in this way.

No. 2, we want to make sure there are alternatives, such as good microloan programs, like NGOs for women.

No. 3, we put an emphasis on how we can provide some protection, which has to do with making sure if women step forward they are not automatically deported. There would be an extension of their visa so they would be able to speak out without worrying about being deported from our country. We would make sure there is treatment for women who have gone through this living hell.

Finally, there would be prosecution. Making it crystal clear to those who are engaged in trafficking, you are going to be hit with stiff financial penalties.

Senator FEINSTEIN, who is on the floor, has been a strong supporter of trying to do something about this, and to make sure that if you are going to traffic a child under the age of 14 for

forced prostitution, you are going to serve a life sentence in prison.

We are going to call on the international community to take this seriously. I believe there will be strong support in the Senate. It would be a powerful and important human rights piece of legislation.

I am proud to introduce this legislation today. I think we can move it in committee. I think we can have strong bipartisan support. I thank Senator BROWNBACK, Senator FEINSTEIN, Senator BOXER, and others for their interest.

Mr. President, I am here today to introduce legislation to help end the horrific crime of trafficking in persons, particularly women and children, for the purposes of sexual exploitation and forced labor. This egregious human rights violation—and we must acknowledge trafficking in persons as the gross human rights abuse that it is—is a worldwide problem that must be confronted in domestic legislation as we continue to fight it on the international front.

At this very moment the administration is involved in negotiations in Vienna to strengthen international efforts to combat trafficking. We too must do our part. We need to enact a comprehensive trafficking bill into law in this Congress. Senator BROWNBACK and I have worked together closely to develop the Trafficking Victims Protection Act of 2000, and we agree on every provision of the bill except for one. We are here together today to introduce separate trafficking bills but to relay to you the truly bipartisan effort this has been. Senator BROWNBACK, I look forward to continuing this effort as our respective bills move through the committee and to the floor.

Despite increasing governmental and international interest, trafficking in persons continues to be one of the darkest aspects of globalization of the world economy, becoming more insidious and more widespread everyday. It is not just a problem that takes place on distant shores, as many of us have been led to believe. A recent CIA analysis of the international trafficking of women to the United States reports that as many as 50,000 women and children each year are brought into the United States and forced to work as prostitutes, forced laborers, and servants. Others credibly estimate that the number is probably much higher than that.

In a hearing last week, I heard the almost unbelievable testimony of several women who had been victims of trafficking. But, I say almost unbelievable because I heard the truth directly from the mouths of those who have been hurt the most. One victim trafficked for sex from Mexico to Florida at the age of 14 told,

Because I was a virgin, the men decided to initiate me by raping me again and again, to teach me how to have sex * * * Because I was so young, I was always in demand with the customers. It was awful. Although the men were supposed to wear condoms, some didn't so I eventually became pregnant and was forced to have an abortion.

I am here today to say that one victim is one too many. We have a serious problem that must be addressed.

The Trafficking Victims Protection Act of 2000 is a comprehensive bill that addresses the three P's of trafficking: it aims to prevent trafficking in persons, provides protection and assistance to those who have been trafficked, and provides for tough prosecution and punishment of those responsible for trafficking.

This bill addresses the underlying problems which fuel the trafficking industry by promoting public awareness campaigns, and initiatives to enhance economic opportunity, such as microcredit lending programs and skills training, for those most susceptible to trafficking. It provides for the establishment of programs designed to assist in the safe reintegration of victims into their community, and ensures that such programs address the physical and mental health needs of trafficking victims. In fact, the trauma that results from being trafficked is not unlike that of someone who has been tortured, and victims of trafficking deserve similar assistance.

This bill also provides immigration relief and allows victims of trafficking the time necessary to bring charges against those responsible for their condition. In the United States, many trafficking victims are deported for not having the appropriate legal documents when, in fact, it is often the trafficker who has given the victim false documents, or held the victim's identifying documents so that he or she could not move freely. This bill addresses this unintended result of the law. This measure enhances our existing legal structures, criminalizing all forms of trafficking in persons and establishing punishment which is commensurate with the heinous nature of this crime. It provides for sentences of up to life in prison for those criminals involved in trafficking children.

Those criminals who are involved in trafficking, from the lowest to the highest levels, should not expect to go unpunished in the United States or abroad, and neither should governments whose governments might be complicit in trafficking. This bill requires an expansion of reporting on trafficking in the annual Country Reports on Human Rights Practices, including a separate list of countries of origin, transit or destination for a significant number of trafficking victims which are not meeting minimum standards for the elimination of trafficking. This bill provides for sanctions against counties which do not meet these minimum standards. It also authorizes the Secretary of State to publish a list of foreign persons involved in trafficking, and authorizes the President to take tough action against any person on that list.

A similar bill to our bills is moving through the House. Both that bill, H.R. 3244, and the bills that we are introducing today, are bipartisan efforts that deserve our full consideration. Senator BROWNBACK and I have worked hard to create a bill that is comprehensive and addresses both of our concerns, and both of us are equally committed to the fight against trafficking. We disagree, however, on a small but significant part of the strategy in this fight: the use of mandatory versus discretionary sanctions against countries which do not meet the minimum standards for elimination of trafficking.

While Senator BROWNBACK believes a system of mandatory sanctions will better facilitate our goal to eliminate trafficking, after much research into the effect of a mandatory sanctions requirement, I believe a discretionary sanctions approach, allowing for a more targeted use of sanctions, together with a requirement for the delivery to Congress of a separate list of countries involved in trafficking, is the better approach.

Trafficking exploits poor women and booms in societies undergoing severe economic distress. To impose economic sanctions in trafficking legislation that cuts off a broad range of bilateral and multilateral assistance programs designed to improve the economy of specific nations is to cause harm to the very people who might be helped by the legislation.

For example, I don't believe we can justify cutting off funding designed to foster economic reform so that those most susceptible to trafficking such as women and children, can find work; or cutting off funding for programs that increase professionalism and independence in the judicial system so that traffickers can be held accountable; or even cutting off programs designed to provide training and technical assistance to countries which are generally making an effort to combat trafficking. This is what could happen to certain countries which are known to have a severe trafficking problem, under a mandatory sanctions regime. I don't believe we justify cutting off child survival and disease programs which counter the spread of HIV and AIDS, a significant problem among women trafficked into the sex industry, to countries in which sex trafficking is a large problem such as the Philippines and Bangladesh. These are just a couple of examples of the problems created by a sanctions regime that is too broad. A more targeted, discretionary sanctions approach to sanctions is, I think, clearly the way to go.

By requiring a list of countries involved in trafficking who do not meet minimum standards for the elimination of it, we can closely monitor the progress of countries in their fight against trafficking. Trafficking in persons is a complicated issue that almost always involves larger criminal elements. Those countries which are truly committed to ending this gross human rights abuse, and are cooperating in the global battle against it, should not

fear the list since they will not be put on it. Those countries which are not doing their share should expect that the President of the United States will use his discretion to impose targeted sanctions, and I for one will do all I can to see that our government imposes appropriate sanctions against those governments whose officials are complicit in this terrible crime.

Sanctions can be an important deterrent. However, in my opinion broad mandatory sanctions within the context of trafficking are not useful. A discretionary sanctions regime that allows the President—who is, in fact, better positioned to understand the varying dynamics and extent of the trafficking problem from country to country—to impose specific, targeted, and workable sanctions against trafficking countries is a more sound approach.

I hope my colleagues will take a look at both of these trafficking bills and cosponsor one or the other as they move forward. These bills are identical except for the sanctions provision, and both provide the same broad and comprehensive assistance to trafficking victims and to countries working to combat trafficking.

Since my wife and I began working on this issue several years ago, I have met with trafficking victims, aftercare providers, and human rights advocates from around the world who have reminded me again and again of the horrible nature of this crime. We must intensify our work to eliminate trafficking in persons. We must focus our energy on this bipartisan effort to see the Trafficking Victims Protection Act of 2000 move quickly through the Senate Foreign Relations Committee and get passed into law this year. The many victims of trafficking deserve no less.

By Mr. SARBANES (for himself, Mr. DODD, Mr. SCHUMER, and Mr. KERRY):

S. 2415. A bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

PREDATORY LENDING CONSUMER PROTECTION ACT OF 2000

Mr. SARBANES. Mr. President, today I am introducing the Predatory Lending Consumer Protection Act with Senators DODD, KERRY, and SCHUMER. This legislation is a companion to an identical bill being introduced by Representative LAFALCE in the House of Representatives, along with a number of his colleagues.

Representative LAFALCE has demonstrated his strong commitment to a banking system that takes into consideration the credit needs of all Americans, including those that have been traditionally locked out of the market or are less sophisticated. I thank him for his leadership.

Homeownership is the American Dream. It is the opportunity for all Americans to put down roots and start creating equity for themselves and their families. Homeownership has been the path to building wealth for generations of Americans; it has been the key to ensuring stable communities, good schools, and safe streets.

The predatory lending industry plays on these hopes and dreams to cheat people of their hard-earned wealth. These lenders target working and lower income families, the elderly, and, often, uneducated homeowners for their abusive practices. To my mind, nothing can be more cynical.

Let me briefly describe how predatory lenders operate. They target people with a lot of equity in their homes; they underwrite the property without regard to the ability of the borrower to pay the loan back. They make their money by charging extremely high origination fees, and by ''packing'' other products into the loan, including upfront premiums for credit life insurance, or credit unemployment insurance, and others, for which they get significant commissions but are of no value to the homeowner.

The premiums for these products get financed into the loan, greatly increasing the loan's total balance amount, sometimes by as much as 50 percent. As a result, the borrower is likely to find himself in extreme financial distress.

Then, when the trouble hits, the predatory lender will offer to refinance the loan. Unfortunately, another characteristic of these loans is that they have prepayment penalties. So, by the time the refinancing occurs, with all the fees repeated and the prepayment penalty included, the lender/broker makes a lot of money from the transaction, and the owner has been stripped of his or her equity and, oftentimes, his or her home.

The problem is, most of these practices, while unethical and clearly abusive, are legal. There is a widening sense that this is a serious problem. Alan Greenspan at the Federal Reserve Board has recognized this as an increasing problem, as have the other banking regulators. For example, the FDIC is considering raising capital standards for all subprime lending; the Office of Thrift Supervision (OTS) has published an Advanced Notice of Proposed Rulemaking (ANPR) asking for information and views on these very practices; HUD Secretary Cuomo and Treasury Secretary Summers have convened a Task Force on this issue. Both Fannie Mae and Freddie Mac have developed a number of products that are intended to reach out to homeowners with somewhat impaired credit in order to bring them into the financial mainstream. These companies have also announced that they will not buy loans with single premium credit insurance financed into the loan, one of the problems highlighted by this legislation.

Clearly, there is already some action to address the problem of predatory lending. But we need to do more. This legislation will outlaw the most abusive practices, and enable the marketplace to eliminate the others. This is a very important point. Let me give you an example. The bill prohibits the financing of more than 3% of a loan in fees for high cost loans, because it is the financing of fees and premiums on extraneous products that literally strip the equity out of a person's home. However, the bill would not prohibit additional fees from being charged, so we are not regulating profit.

We want to make sure that the loan is affordable to the borrower. Tying the lender's return to the loan's successful repayment is the best way to assure this. Now, some people have raised concerns that limiting the financing of fees will push up interest rates. This may be true, but it is also better to see the return to the lender reflected in the interest rate because it is much easier for people to shop on the basis of the interest rate. As a result, the market will help to keep rates down. Moreover, higher rate mortgages can always be refinanced as borrower's credit standing improves.

Mr. President, this legislation has the support of the Leadership Conference on Civil Rights, the American Association of Retired People, the National Consumer Law Center, the Self-Help Credit Union of North Carolina, Consumers Union, Consumers Federation, ACORN, the National Association of Consumer Advocates, U.S. PIRG and others.

I want to make clear that this bill is aimed at predatory practices. There are many people who may have had some credit problems who still need access to affordable credit. They may only be able to get subprime loans, which charge higher interest rates. Clearly, to get the credit, they will have to pay somewhat higher rates because of the greater risk they represent. We want them to be able to get these loans.

But these families should not be stripped of their home equity through financing of extremely high fees, credit insurance, or prepayment penalties. They should not be forced into constant refinancing, losing more and more of the wealth they've taken a lifetime to build to a new set of fees each and every time.

This legislation will keep credit available, while discouraging or prohibiting these worst practices. The bill allows lenders to recover the costs of making their loans, while always leaving the door open to borrowers to repair their credit and move to lower cost loans.

Taken as a whole, predatory lending practices represent a frontal assault on homeowners all over America. Today,

we are coming to their defense. We must stop the American dream of homeownership from being distorted into a nightmare by these unscrupulous practices. We want to ensure that all borrowers, whether in the prime or subprime market, are treated fairly and responsibly. That is what this legislation is intended to do, and I urge my colleagues' consideration and support.

Mr. President, I ask unanimous consent that the bill and a summary of the legislation be printed in the RECORD.

S. 2415

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 ''Predatory Lending Consumer Protection Act of 2000''.

SEC. 2. AMENDMENTS TO DEFINITIONS IN TRUTH IN LENDING ACT.

(a) HIGH COST MORTGAGES.—

(1) IN GENERAL.—The portion of section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) that precedes paragraph (2) of such section is amended to read as follows:

''(aa) MORTGAGE REFERRED TO IN THIS SUBSECTION.—

''(1) DEFINITION.—

''(A) IN GENERAL.—A mortgage referred to in this subsection means a consumer credit transaction—

''(i) that is secured by the consumer's principal dwelling, other than a reverse mortgage transaction; and

''(ii) the terms of which are described in at least 1 of the following subclauses:

''(I) The transaction is secured by a first mortgage on the consumer's principal dwelling and the annual percentage rate on the credit, at the consummation of the transaction, will exceed by more than 6 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor;

''(II) The transaction is secured by a junior or subordinate mortgage on the consumer's principal dwelling and the annual percentage rate on the credit, at the consummation of the transaction, will exceed by more than 8 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor.

''(III) The total points and fees payable on the transaction will exceed the greater of 5 percent of the total loan amount or $1,000.

''(B) INTRODUCTORY RATES NOT TAKEN INTO ACCOUNT.—If the terms of any consumer credit transaction that is secured by the consumer's principal dwelling offer, for any initial or introductory period, an annual percentage rate of interest which—

''(i) is less than the annual percentage rate of interest which will apply after the end of such initial or introductory period; or

''(ii) in the case of an annual percentage rate which varies in accordance with an index, which is less than the current annual percentage rate under the index which will apply after the end of such period,

the annual percentage rate of interest that shall be taken into account for purposes of subclauses (I) and (II) of subparagraph (A)(ii) shall be the rate described in clause (i) or (ii) of this subparagraph rather than any rate in effect during the initial or introductory period.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 103(aa)(2) of the Truth in Lending Act (15 U.S.C. 1602(aa)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) POINTS AND FEES.—Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) all compensation paid directly or indirectly by a consumer or a creditor to a mortgage broker;'';

(2) by redesignating subparagraph (D) as subparagraph (F); and

(3) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) each of the charges listed in section 106(e) (except an escrow for future payment of taxes and insurance);

''(D) the cost of all premiums financed by the lender, directly or indirectly, for any credit life, credit disability, credit unemployment or credit property insurance, or any other life or health insurance, or any payments financed by the lender, directly or indirectly, for any debt cancellation or suspension agreement or contract, except that, for purposes of this subparagraph, insurance premiums or debt cancellation or suspension fees calculated and paid on a monthly basis shall not be considered financed by the lender;

''(E) any prepayment penalty (as defined in section 129(c)(5)) or other fee paid by the consumer in connection with an existing loan which is being refinanced with the proceeds of the consumer credit transaction; and''.

(c) HIGH COST MORTGAGE LENDER.—

(1) IN GENERAL.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by striking the last sentence and inserting ''Any person who originates 2 or more mortgages referred to in subsection (aa) in any 12-month period, any person who originates 1 or more such mortgages through a mortgage broker or acted as a mortgage broker between originators and consumers on more than 5 mortgages referred to in subsection (aa) within the preceding 12-month period, and any creditor-affiliated party shall be considered to be a creditor for purposes of this title.''.

(2) CREDITOR-AFFILIATED PARTY DEFINED.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:

''(cc) CREDITOR-AFFILIATED PARTY.—The term ''creditor-affiliated party'' means—

(1) any director, officer, employee, or controlling stockholder of, or agent for, a creditor;

(2) in the case of a creditor which is an insured depository institution, any other person who has filed or is required to file a change-in-control notice with the appropriate Federal banking agency under section 7(j) of the Federal Deposit Insurance Act; and

(3) any shareholder, consultant, joint venture partner, and any other person, including any independent contractor (such as an attorney, appraiser, or accountant), who participates in the conduct of the affairs of, or controls the lending practices of, a creditor, as determined (by regulation or on a case-by-case) by the appropriate Federal agency under subsection (a) or (c) of section 108 with respect to the creditor.''.

SEC. 3. AMENDMENTS TO EXISTING REQUIREMENTS FOR HIGH COST CONSUMER MORTGAGES.

(a) ADDITIONAL DISCLOSURES.—Section 129(a)(1) of the Truth in Lending Act (15 U.S.C. 1639(a)(1)) is amended by adding at the end the following new subparagraphs:

''(D) 'The interest rate on this loan is much higher than most people pay. This means the chance that you will lose your home is much higher if you do not make all payments under the loan.'.

''(E) 'You may be able to get a loan with a much lower interest rate. Before you sign any papers, you have the right to go see a credit and debt counseling service and to consult other lenders to find ways to get a cheaper loan.'.

''(F) 'If you are taking out this loan to repay other loans, look to see how many months it will take to pay for this loan and what the total amount is that you will have to pay before this loan is repaid. Even though the total amount you will have to pay each month for this loan may be less than the total amount you are paying each month for those other loans, you may have to pay on this loan for many more months than those other loans which will cost you more money in the end.'''.

(b) PREPAYMENT PENALTY PROVISIONS.—Section 129(c) of the Truth in Lending Act (15 U.S.C. 1639(c)) is amended to read as follows:

''(c) PREPAYMENT PENALTY PROVISIONS.—

''(1) NO PREPAYMENT PENALTIES AFTER END OF 24-MONTH PERIOD.—A mortgage referred to in section 103(aa) may not contain terms under which a consumer must pay any prepayment penalty for any payment made after the end of the 24-month period beginning on the date the mortgage is consummated.

''(2) NO PREPAYMENT PENALTIES IF MORE THAN 3 PERCENT OF POINTS AND FEES WERE FINANCED.—Subject to subsection (l)(1), a mortgage referred to in section 103(aa) may not contain terms under which a consumer must pay any prepayment penalty for any payment made at or before the end of the 24-month period referred to in paragraph (1) if the creditor financed points or fees in connection with the consumer credit transaction in an amount equal to or greater than 3 percent of the total amount of credit extended in the transaction.

''(3) LIMITED PREPAYMENT PENALTY FOR EARLY REPAYMENT UNDER CERTAIN CIRCUMSTANCES.—Subject to paragraph (2), the terms of a mortgage referred to in section 103(aa) may contain terms under which a consumer must pay a prepayment penalty for any payment made at or before the end of the 24-month period referred to in paragraph (1) to the extent the sum of total amount of points or fees financed by the creditor, if any, in connection with the consumer credit transaction and the total amount payable as a prepayment penalty does not exceed the amount which is equal to 3 percent of the total amount of credit extended in the transaction.

''(4) CONSTRUCTION.—For purposes of this subsection, any method of computing a refund of unearned scheduled interest is a prepayment penalty if it is less favorable to the consumer than the actuarial method (as that term is defined in section 933(d) of the Housing and Community Development Act of 1992).

''(5) PREPAYMENT PENALTY DEFINED.—The term 'prepayment penalty' means any monetary penalty imposed on a consumer for paying all or part of the principal with respect to a consumer credit transaction before the date on which the principal is due.''.

(c) ALL BALLOON PAYMENTS PROHIBITED.—Section 129(e) of the Truth in Lending Act (15 U.S.C. 1639(e)) is amended by striking ''having a term of less than 5 years''.

(d) ASSESSMENT OF ABILITY TO REPAY.—Section 129(h) of the Truth in Lending Act (15 U.S.C. 1639(h)) is amended—

(1) by striking ''CONSUMER.—A creditor'' and inserting ''CONSUMER.—

''(1) PROHIBITION ON PATTERNS AND PRACTICES.—A creditor''; and

(2) by adding at the end the following new paragraphs:

''(2) CASE-BY-CASE ASSESSMENTS OF CONSUMER ABILITY TO PAY REQUIRED.—

''(A) IN GENERAL.—In addition to the prohibition in paragraph (1) on engaging in certain patterns and practices, a creditor may not extend any credit in connection with any mortgage referred to in section 103(aa) unless the creditor has determined, at the time such credit is extended, that 1 or more of the resident obligors, when considered individually and collectively, will be able to make the scheduled payments under the terms of the transaction based on a consideration of their current and expected income, current obligations, employment status, and other financial resources, without taking into account any equity of any such obligor in the dwelling which is the security for the credit.

''(B) REGULATIONS.—The Board shall prescribe, by regulation the appropriate format for determining a consumer's ability to pay and the criteria to be considered in making any such determination.

''(C) RESIDENT OBLIGOR.—For purposes of this paragraph, the term 'resident obligor' means an obligor for whom the dwelling securing the extension of credit is, or upon the consummation of the transaction will be, the principal residence.

''(3) VERIFICATION.—The requirements of paragraphs (1) and (2) shall not be deemed to have been met unless any information relied upon by the creditor for purposes of any such paragraph has been verified by the creditor independently of information provided by any resident obligor.''.

(e) REQUIREMENTS RELATING TO HOME IMPROVEMENT CONTRACTS.—Section 129(i) of the Truth in Lending Act (15 U.S.C. 1639(i)) is amended—

(1) by striking ''IMPROVEMENT CONTRACTS.—A creditor'' and inserting ''IMPROVEMENT CONTRACTS.—

''(1) IN GENERAL.—A creditor''; and

(2) by adding at the end the following new paragraph:

''(2) AFFIRMATIVE CLAIMS AND DEFENSES.—Notwithstanding any other provision of law, any assignee or holder, in any capacity, of a mortgage referred to in section 103(aa) which was made, arranged, or assigned by a person financing home improvements to the dwelling of a consumer shall be subject to all affirmative claims and defenses which the consumer may have against the seller, home improvement contractor, broker, or creditor with respect to such mortgage or home improvements.''.

(f) CLARIFICATION OF RESCISSION RIGHTS.—Section 129(j) of the Truth in Lending Act (15 U.S.C. 1639(j)) is amended to read as follows:

''(j) CONSEQUENCE OF FAILURE TO COMPLY.—

''(1) IN GENERAL.—If, in the case of a mortgage referred to in section 103(aa)—

''(A) the mortgage contains a provision prohibited by this section or does not contain a provision required by this section; or

''(B) a creditor or other person fails to comply with the provisions of this section, whether by an act or omission, with regard to such mortgage at any time,

the consummation of the consumer credit transaction resulting in such mortgage shall be treated as a failure to deliver the material disclosures required under this title for the purpose of section 125.

''(2) RULE OF APPLICATION.—In any application of section 125 to a mortgage described in section 103(aa) under circumstances described in paragraph (1), paragraphs (2) and (4) of section 125(e) shall not apply or be taken into account.''.

SEC. 4. ADDITIONAL REQUIREMENTS FOR HIGH COST CONSUMER MORTGAGES.

(a) SINGLE PREMIUM CREDIT INSURANCE.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended—

(1) by redesignating subsections (k) and (l) as subsections (s) and (t), respectively; and

(2) by inserting after subsection (j), the following new subsection:

''(k) SINGLE PREMIUM CREDIT INSURANCE.—

''(1) IN GENERAL.—The terms of a mortgage referred to in section 103(aa) may not require, and no creditor or other person may require or allow—

''(A) the advance collection of a premium, on a single premium basis, for any credit life, credit disability, credit unemployment, or credit property insurance, and any analogous product; or

''(B) the advance collection of a fee for any debt cancellation or suspension agreement or contract,

in connection with any such mortgage, whether such premium or fee is paid directly by the consumer or is financed by the consumer through such mortgage.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as affecting the right of a creditor to collect premium payments on insurance or debt cancellation or suspension fees referred to in paragraph (1) that are calculated and paid on a regular monthly basis, if the insurance transaction is conducted separately from the mortgage transaction, the insurance may be canceled by the consumer at any time, and the insurance policy is automatically canceled upon repayment or other termination of the mortgage referred to in paragraph (1).''.

(b) RESTRICTION ON FINANCING POINTS AND FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

''(l) RESTRICTION ON FINANCING POINTS AND FEES.—

''(1) LIMIT ON AMOUNT OF POINTS AND FEES THAT MAY BE FINANCED.—Subject to paragraphs (2) and (3) of subsection (c), no creditor may, in connection with the formation or consummation of a mortgage referred to in section 103(aa), finance, directly or indirectly, any portion of the points, fees, or other charges payable to the creditor or any third party in an amount in excess of the greater of 3 percent of the total loan amount or $600.

''(2) PROHIBITION ON FINANCING CERTAIN POINTS, FEES, OR CHARGES.—No creditor may, in connection with the formation or consummation of a mortgage referred to in section 103(aa), finance, directly or indirectly, any of the following fees or other charges payable to the creditor or any third party:

''(A) Any prepayment fee or penalty required to be paid by the consumer in connection with a loan or other extension of credit which is being refinanced by such mortgage if the creditor, with respect to such mortgage, or any affiliate of the creditor, is the creditor with respect to the loan or other extension of credit being refinanced.

''(B) Any points, fees, or other charges required to be paid by the consumer in connection with such mortgage if—

''(i) the mortgage is being entered into in order to refinance an existing mortgage of the consumer that is referred to in section 103(aa); and

''(ii) if the creditor, with respect to such new mortgage, or any affiliate of the creditor, is the creditor with respect to the existing mortgage which is being refinanced.''.

(c) CREDITOR CALL PROVISION.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (l) (as added by subsection (b) of this section) the following new subsection:

''(m) CREDITOR CALL PROVISION.—

''(1) IN GENERAL.—A mortgage referred to in section 103(aa) may not include terms under which the indebtedness may be accelerated by the creditor, in the creditor's sole discretion.

''(2) EXCEPTION.—Paragraph (1) shall not apply when repayment of the loan has been accelerated as a result of a bona fide default.''.

(d) PROHIBITION ON ACTIONS ENCOURAGING DEFAULT.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (m) (as added by subsection (c) of this section) the following new subsection:

''(n) PROHIBITION ON ACTIONS ENCOURAGING DEFAULT.—No creditor may make any statement, take any action, or fail to take any action before or in connection with the formation or consummation of any mortgage referred to in section 103(aa) to refinance all or any portion of an existing loan or other extension of credit, if the statement, action, or failure to act has the effect of encouraging or recommending the consumer to default on the existing loan or other extension of credit at any time before, or in connection with, the closing or any scheduled closing on such mortgage.''.

(e) MODIFICATION OR DEFERRAL FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (n) (as added by subsection (d) of this section) the following new subsection:

''(o) MODIFICATION OR DEFERRAL FEES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a creditor may not charge any consumer with respect to a mortgage referred to in section 103(aa) any fee or other charge—

''(A) to modify, renew, extend, or amend such mortgage, or any provision of the terms of the mortgage; or

''(B) to defer any payment otherwise due under the terms of the mortgage.

''(2) EXCEPTION FOR MODIFICATIONS FOR THE BENEFIT OF THE CONSUMER.—Paragraph (1) shall not apply with respect to any fee imposed in connection with any action described in subparagraph (A) or (B) if—

''(A) the action provides a material benefit to the consumer; and

''(B) the amount of the fee or charge does not exceed—

''(i) an amount equal to 0.5 percent of the total loan amount; or

''(ii) in any case in which the total loan amount of the mortgage does not exceed $60,000, an amount in excess of $300.''.

(f) CONSUMER COUNSELING REQUIREMENTS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (o) (as added by subsection (e) of this section) the following new subsection:

''(p) CONSUMER COUNSELING REQUIREMENT.—

''(1) IN GENERAL.—A creditor may not extend any credit in the form of a mortgage referred to in section 103(aa) to any consumer, unless the creditor has provided to the consumer, at such time before the consummation of the mortgage and in such manner as the Board shall provide by regulation, all of the following:

''(A) All warnings and disclosures regarding the risks of the mortgage to the consumer.

''(B) A separate written statement recommending that the consumer take advantage of available home ownership or credit counseling services before agreeing to the terms of any mortgage referred to in section 103(aa).

''(C) A written statement containing the names, addresses, and telephone numbers of

names, addresses, and telephone numbers of counseling agencies or programs reasonably available to the consumer that have been certified or approved by the Secretary of Housing and Urban Development, a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), or the agency referred to in subsection (a) or (c) of section 108 with jurisdiction over the creditor as qualified to provide counseling on—

''(i) the advisability of a high cost loan transaction; and

''(ii) the appropriateness of a high cost loan for the consumer.

''(B) COMPLETE AND UPDATED LISTS REQUIRED.—Any failure to provide as complete or updated a list under paragraph (1)(C) as is reasonably possible shall constitute a violation of this section.''.

(g) ARBITRATION.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (p) (as added by subsection (f) of this section) the following new subsection:

''(q) ARBITRATION.—

''(1) IN GENERAL.—A mortgage referred to in section 103(aa) may not include terms which require arbitration or any other nonjudicial procedure as the method for resolving any controversy or settling any claims arising out of the transaction.

''(2) POST-CONTROVERSY AGREEMENTS.—Subject to paragraph (3), paragraph (1) shall not be construed as limiting the right of the consumer and the creditor to agree to arbitration or any other nonjudicial procedure as the method for resolving any controversy at any time after a dispute or claim under the transaction arises.

''(3) NO WAIVER OF STATUTORY CAUSE OF ACTION.—No provision of any mortgage referred to in section 103(aa) or any agreement between the consumer and the creditor shall be applied or interpreted so as to bar a consumer from bringing an action in an appropriate district court of the United States, or any other court of competent jurisdiction, pursuant to section 130 or any other provision of law, for damages or other relief in connection with any alleged violation of this section, any other provision of this title, or any other Federal law.''.

(h) PROHIBITION ON EVASIONS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (q) (as added by subsection (g) of this section) the following new subsection:

''(r) PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—

''(1) IN GENERAL.—A creditor may not take any action—

''(A) for the purpose or with the intent to circumvent or evade any requirement of this title, including entering into a reciprocal arrangement with any other creditor or affiliate of another creditor or dividing a transaction into separate parts, for the purpose of evading or circumventing any such requirement; or

''(B) with regard to any other loan or extension of credit for the purpose or with the intent to evade the requirements of this title, including structuring or restructuring a consumer credit transaction as another form of loan, such as a business loan.

''(2) OTHER ACTIONS.—In addition to the actions prohibited under paragraph (1), a creditor may not take any action which the Board determines, by regulation, constitutes a bad faith effort to evade or circumvent any requirement of this section with regard to a consumer credit transaction.

''(3) REGULATIONS.—The Board shall prescribe such regulations as the Board determines to be appropriate to prevent circumvention or evasion of the requirements of this section or to facilitate compliance with the requirements of this section.''.

SEC. 5. AMENDMENTS RELATING TO RIGHT OF RESCISSION.

(a) TIMING OF WAIVER BY CONSUMER.—Section 125(a) of the Truth in Lending Act (15 U.S.C. 1635(a)) is amended—

(1) by striking ''(a) Except as otherwise provided'' and inserting ''(a) RIGHT ESTABLISHED.—

''(1) IN GENERAL.—Except as otherwise provided''; and

(2) by adding at the end the following new paragraph:

''(2) TIMING OF ELECTION OF WAIVER BY CONSUMER.—No election by a consumer to waive the right established under paragraph (1) to rescind a transaction shall be effective if—

''(A) the waiver was required by the creditor as a condition for the transaction;

''(B) the creditor advised or encouraged the consumer to waive such right of the consumer; or

''(C) the creditor had any discussion with the consumer about a waiver of such right during the period beginning when the consumer provides written acknowledgement of the receipt of the disclosures and the delivery of forms and information required to be provided to the consumer under paragraph (1) and ending at such time as the Board determines, by regulation, to be appropriate.''.

(b) NONCOMPLIANCE WITH REQUIREMENTS AS RECOUPMENT IN FORECLOSURE PROCEEDING.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by inserting after the 2d sentence the following new sentence: ''This subsection also does not bar a person from asserting a rescission under section 125, in an action to collect the debt as a defense to a judicial or nonjudicial foreclosure after the expiration of the time periods for affirmative actions set forth in this section and section 125.''.

SEC. 6. AMENDMENTS TO CIVIL LIABILITY PROVISIONS.

(a) INCREASE IN AMOUNT OF CIVIL MONEY PENALTIES FOR CERTAIN VIOLATIONS.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640) is amended—

(1) in (2)(A)(iii), by striking ''$2,000'' and inserting ''$10,000''; and

(2) in paragraph (2)(B), by striking '' lesser of $500,000 or 1 percentum of the net worth of the creditor'' and inserting ''the greater of—

''(i) the amount determined by multiplying the maximum amount of liability under subparagraph (A) for such failure to comply in an individual action by the number of members in the certified class; or

''(ii) the amount equal to 2 percent of the net worth of the creditor.''.

(b) STATUTE OF LIMITATIONS EXTENDED FOR SECTION 129 VIOLATIONS.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) (as amended by section 5(b) of this Act) is amended—

(1) in the 1st sentence, by striking ''Any action'' and inserting ''Except as provided in the subsequent sentence, any action''; and

(2) by inserting after the 1st sentence the following new sentence: ''Any action under this section with respect to any violation of section 129 may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 3-year period beginning on the date of the occurrence of the violation.''.

SEC. 7. AMENDMENT TO FAIR CREDIT REPORTING ACT.

Section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2) is amended by adding at the end the following new subsection:

''(e) DUTY OF CREDITORS WITH RESPECT TO HIGH COST MORTGAGES.—

''(1) IN GENERAL.—Each creditor who enters into a consumer credit transaction which is a mortgage referred to in section 103(aa), and each successor to such creditor with respect to such transaction, shall report the complete payment history, favorable and unfavorable, of the obligor with respect to such transaction to a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis at least quarterly, or more frequently as required by regulation or in guidelines established by participants in the secondary mortgage market, while such transaction is in effect.

''(2) DEFINITIONS.—For purposes of paragraph (1), the terms 'credit' and 'creditor' have the same meanings as in section 103.''.

SEC. 8. REGULATIONS.

The Board of Governors of the Federal Reserve System shall publish regulations implementing this Act, and the amendments made by this Act, in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

SUMMARY OF THE ''PREDATORY LENDING CONSUMER PROTECTION ACT OF 2000''

Definition of ''High Cost'' Mortgage: the legislation tightens the definition of a ''high cost mortgage,'' for which certain consumer protections are triggered. The new definition, which amends the ''Home Ownership Equipment Protection Act,'' is as follows: First mortgages that exceed Treasury securities by six (6) percentage points; second mortgages that exceed Treasury securities by eight (8) percentage points; or mortgages where total points and fees payable by the borrower exceed the greater of five percent (5%) of the total loan amount, or $1,000. The bill revises the definition of points and fees to be more inclusive.

The following key protections are triggered for high cost mortgages only:

Restrictions on financing of points and fees. The bill restricts a creditor from directly or indirectly financing any portion of the points, fees or other charges greater than 3% of the total sum of the loan, or $600. The lender cannot finance prepayment penalties or points paid by the consumer if the originator of the loan is refinancing the loan. Moreover, the lender or any affiliated creditor cannot finance points and fees for the refinancing of a loan they originated.

Limitation on the payment of prepayment penalties. The bill prohibits the lender from imposing prepayment penalties after the initial 24 month period of the loan. During the first 24 months of a loan, prepayment penalties are limited to the difference in the amount of closing costs and fees financed and 3% of the total loan amount.

Prohibition on balloon payments. The bill prohibits the use of balloon payments.

Limitation on single premium credit insurance. The bill would prohibit upfront payment or financing of credit life, credit disability or credit unemployment insurance on a single premium basis. However, borrowers are free to purchase such insurance with the regular mortgage payment on a periodic basis, provided that it is a separate transaction that can be canceled at any time.

Extension of liability for home improvement contract loans. The bill would make parent companies and officers of lenders, or subsequent holders of loans by a contractor, liable for HOEPA violations if the contractor goes out of business to avoid liability.

Limitation on mandatory arbitration clauses. The bill prohibits mortgages from including terms which require arbitration or other non-judicial settlement as the sole method of settling claims or disputes arising under the loan agreement.

Prohibition on requiring rescission of rights. The bill prohibits a creditor from requiring or encouraging a borrower to sign an election not to exercise the three-day right to

rescind or cancel a credit transaction at the same time that the borrowers receives notice of the right of rescission.

Other provisions in the bill:

Increase statutory damages in individual civil actions and class actions. The maximum amount that can be awarded in individual actions is increased to $100,000. The maximum amount that can be awarded in a class action is the greater of: (1) the maximum amount of the liability available for an individual action multiplied by the number of members or (ii) percent of the net worth of the creditor.

Require that as a condition for making a high cost loan, a creditor make a determination at the time the loan is consummated, that the borrower will be able to make the schedule payments to repay the loan obligation.

Prohibit a lender from making a high cost loan unless it certifies that it has provided the borrower with certain information regarding the risks associated with high cost loans and the availability of home ownership counseling.

Require additional disclosures related to the risks associated with high cost mortgages.

Prohibit a creditor/lender from: (i) recommending or encouraging default on an existing loan or other debt prior to, or in connection with, a closing on a high cost loan, (ii) including any provision which permits the creditor, in its sole discretion, to accelerate the indebtedness under the loan, or (iii) charging a borrower any fee to modify a high-cost loan or defer payment due under such high cost loan unless it provides a material benefit to the borrower.

Require that a creditor annually report both favorable and unfavorable payment history of borrowers to credit bureaus.

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ADDITIONAL COSPONSORS

S. 459

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) 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. 741

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 801

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1557

At the request of Mr. KERREY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1557, a bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practices of enrolled agents.

S. 1623

At the request of Mr. SPECTER, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1623, a bill to select a National Health Museum site.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1814

At the request of Mr. SMITH of Oregon, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1814, a bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2005

At the request of Mr. BURNS, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2081

At the request of Mr. HATCH, the name of the Senator from Utah (Mr . BENNETT) was added as a cosponsor of S. 2081, a bill entitled ''Religious Liberty Protection Act of 2000.''

S. 2082

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2082, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 2297

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Florida (Mr. GRAHAM), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2357

At the request of Mr. REID, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2390

At the request of Mr. DEWINE, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Missouri (Mr. ASHCROFT) were