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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, You know us as we really are. You know the inner person behind our highly polished exteriors; You know when we are tired and need Your strength; You know about our worries and anxieties and offer Your comfort; You understand our fears and frustrations and assure us of Your presence; You feel our hurts and infuse Your healing love. Flood our inner beings with Your peace so that we can live with confidence and courage.

You have told us that to whom much is given, much is required. Thank You that You have taught us also that of whom much is required, much shall be given. Lord, You require a great deal of the women and men of this Senate. Provide them with an extra measure of Your strength, wisdom, and judgment for the crucial work of this next session of the 106th Congress.

We thank You for all the people who make it possible for the Senate to function effectively. Especially, we thank You for the Senators' staffs and all those here in the Senate Chamber who work cheerfully and diligently for long hours to keep the legislative process moving smoothly. Help us to take no one for granted and express our gratitude to everyone.

Now we commit this day to You, for You are our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CONRAD BURNS, a Senator from the State of Montana, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Senator BURNS is recognized.

Mr. BURNS. I thank the Chair.

I welcome our colleagues back from the August recess.

SCHEDULE

Mr. BURNS. Mr. President, today the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate will stand in recess until 2:15 p.m. so that the weekly party conferences can meet. Following the conference meetings, the Senate will move to executive session for the consideration of two judicial nominees. Therefore, Senators can expect two consecutive votes at 2:15 today.

When the Senate returns to legislative session, it will resume consideration of the Interior appropriations bill. Amendments are expected to be offered, and therefore Senators can expect additional votes throughout today's session.

It is hoped that the Senate can complete the Interior appropriations bill on Thursday at a reasonable time. As a reminder, there will be no votes on Friday in observance of the Rosh Hashanah holiday. The majority leader looks forward to a productive legislative period as we complete the appropriations process, and he thanks all Senators in advance for their cooperation.

ORDER OF PROCEDURE

Mr. BURNS. Mr. President, as in executive session, I ask unanimous consent that at 2:15 p.m. today the Senate proceed to executive session to consider Calendar Nos. 173 and 175.

I further ask unanimous consent that following 5 minutes of debate equally divided in the usual form, the Senate then proceed immediately to two consecutive votes on the confirmation of the nominations with no intervening action or debate. I also ask unanimous consent that following the votes on the nominations, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. I also ask unanimous consent that it be in order to ask for the yeas and nays at this time on both nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. Therefore, I now ask for the yeas and nays on Calendar Nos. 173 and 175.

The PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. I ask unanimous consent that the period of morning business be divided as follows: Senator DASCHLE or his designee in control of the first 30 minutes; Senator THOMAS in control of the second 30 minutes.

I further ask consent that immediately following the use or yielding back of those times, the Senate stand in recess until 2:15 today for the weekly policy luncheons.

I further ask unanimous consent that following the votes at 2:20, Senator FEINGOLD be recognized to speak in morning business for up to 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes, followed on our side by Senator BOXER and Senator DORGAN, 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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EAST TIMOR

Mr. WELLSTONE. Mr. President, while Senator FEINGOLD is in the Chamber, I wish to indicate my support for his effort—our effort—to make it crystal clear to the Government of Indonesia that the brutal murder of the men and women of East Timor has to stop, that we will hold the Government of Indonesia accountable, that we will do everything we can to exert our leverage, including the question of whether there will be any financial assistance, and that the world community is watching. We want to communicate from the floor of the Senate our support to the people of East Timor.

CBS–VIACOM MERGER

Mr. WELLSTONE. Mr. President, before going to the main topic of my remarks, I wish to briefly speak about a story today in the papers that I just think Senators, Democrats and Republicans, must take note of. This is the report. Top executives of CBS and VIACOM will be huddling today with top officials of the Federal Communications Commission. CBS–VIACOM executives will be lobbying the FCC to approve their proposed merger and to relax FCC restrictions on media concentration.

Mr. President, I think that FCC Chairman Kennard has done an excellent job, but I do believe this private meeting would be improper and inappropriate. I think the meeting should be held in public. I think the public needs to know what is going on. I say this because I cannot think of anything more frightening in a representative democracy than to continue to see this consolidation of media, these media mergers, and this concentration of power over the flow of information.

I think this is a terribly important question. I think it goes to the heart of the functioning of our democracy. Our democracy depends upon citizen access to a wide and divergent range of views and information. We depend upon a free and independent media that will hold both private and public power accountable to people. This dramatic surge in media concentration makes this more difficult. It makes it more difficult for our media to perform these essential functions. I believe we are seeing a breathtaking, frightening concentration of power in the media over the flow of information, and I think it constitutes a direct threat to our democracy.

I hope this meeting and this debate will take place publicly and that there will be meaningful coverage by the major media in our country of this proposed merger of CBS and Viacom. The public needs to be engaged in this debate. This is a serious and important question. Media concentration is a real threat to our representative democracy.

(Mr. BURNS assumed the Chair.)

FAMILY FARMERS

Mr. WELLSTONE. Mr. President, I will take a brief period of time today, I say to my colleagues and to the Chair who cares deeply about this issue as well, I intend to take the time I need to give a report to the Senate and to the country about what is happening in agriculture. I say this to the Chair who I know cares deeply about this.

I have spent most all of August organizing with farmers. I have spent almost all my time in our agricultural and rural communities. I can tell my colleagues that we are now experiencing an economic convulsion, and on our present course we are going to lose a whole generation of farmers and producers. This is not just a battle or a struggle for a fair price for family farmers, it is a struggle for the survival of our rural communities.

I spent time in northwest Minnesota, in southeast Minnesota, in west central Minnesota, and then in southwest Minnesota, at one farm gathering after another. The good news is that many farmers turned out for our meetings, and that made me proud as a Senator. The bad news is that people are in such economic pain. The bad news is that people are in such desperate shape. The bad news is that people who have worked so hard and are asking for nothing more than a decent price so they can have a decent standard of living to give their children the care they know they need and deserve are not getting a decent price.

This Congress has to take action, and it has to take action this fall. We can get the emergency financial assistance out to people. Because of the way we are doing it, too much assistance will be going to some people who do not need it as much, and not enough will be going to many people who need it more. But it is a price crisis and we have to get the price up. We need to take the cap off the loan rate. We need to give the producer some leverage in the marketplace—with a farmer-owned reserve—and the ability to extend the payback period of the loan rate. We need to give our producers a fair shot. We need to get the prices up. Our farmers do not have cash-flow and they are going to be driven off the land.

I believe our country will deeply regret what is now happening in agriculture. It is a food scarcity issue. Who is going to farm the land? Are we going to have affordable food? Is it going to be food that is healthy and safe for our families? What about the environment? What about the whole idea of pattern of land ownership?

So much is at stake for America, but I do not think this crisis, of which the Presiding Officer is aware, is breaking through. No amount of self-reliance is going to help the farmers, given the prices they are getting for wheat, corn, and soybeans. Our livestock producers are faced with the most outrageous situation: they find themselves confronted with a few packers who control almost all of the market in terms of whom they can sell to.

Yesterday in Iowa we had an important hearing with Senator GRASSLEY and Senator HARKIN, and we had several hundred farmers there. I said that we should have a moratorium on all mergers and acquisitions and marketing agreements between agribusinesses with revenues over $50 million until the Congress reviews the antitrust laws. I am going to bring this moratorium to the floor, speaking about concentration of power.

Whatever happened to the Sherman Act and the Clayton Act and the work of Senator Kefauver? What does it mean when we have a few packers and they control almost all of the market? What does it mean, with our livestock producers facing extinction and IBP and ConAgra and a lot of these large outfits making record profits?

Mr. President, this is an injustice. I am telling Democrats and Republicans, we have to make it a priority and we have to push through legislation over the next 2 months that will make a difference. A lot of these farmers are going to be gone if we don't. I speak today to give a brief report, although I am going to start coming to the floor and talking at great length about the number of farmers we are losing.

Tracy Beckman, who directs the Farm Services Administration, has figures on all our counties, on what an emergency situation this is, on what a crisis situation this is, and on what we can do. We can take the cap off the loan rate. We can rewrite the farm bill. Freedom to Farm has become the ''Freedom to Farm for No Money,'' the ''Freedom to Fail.'' We have to change the farm bill. We have to take some antitrust action. We have to be on the side of family farmers and producers. We have to make sure they get a fair price. We have to have a fair trade policy and we need to do it now. Speeches are not enough.

Rural American farmers, when you come here next week, turn up the heat. When you meet with Senators and Representatives, turn up the heat. Ultimately, it is going to take rural America raising heck in order to turn this situation around.

This August, for me, was the most difficult during my time in the Senate. It was the most emotional 3 weeks I ever spent with people in my State. I say to the Senator from California, who is a good friend, what happens at these farm gatherings is that people will say to you: Thanks for caring, it makes me feel good. And you reach out to shake their hand, and they are crying, just crying because they are going to lose everything. Their farm has been in the family for generations. It is where they work, it is where they live, and they are going to lose it all. The implement dealers, the bankers, the educators, the hospital people, and the health care people all say: Our rural communities are going to be ghost towns.

This is needless suffering. This does not have to be. This is not Adam

Smith's invisible hand. It is not some law of gravity. The only inevitability about what is happening to family farmers is the inevitability of a stacked deck. If we change policies and give them leverage so they can get a decent price in the marketplace, if we take on some of these conglomerates and put free enterprise in the food industry, and if we move forward on trade policy, we can make a huge difference.

This is an issue that goes to the heart and soul of what America is about. America, if you are listening to what we are saying in the Senate, this is all about the country, this is about food scarcity, this is about getting food at a price you can afford. It is about who is going to own the land. This is about whether or not we are going to have a rural America. This is about whether we are going to have a few conglomerates muscle their way to the dinner table and exercise their power over all phases of the industry—over the producers, over the consumers, over the taxpayers—or whether we are committed to a family farm structure in agriculture.

I come from a State, Minnesota, where family farmers are really important. They are so important to my State, but they are important to our country. I hope and pray over the next 2 months we will take action in Congress that will make a positive difference and will change this policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before I begin my remarks, I ask unanimous consent that Senator FEINGOLD and Senator REED each be given 10 minutes at the conclusion of Senator DORGAN's time. Of course, if people from the other side want that courtesy, we will be happy to support that.

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

Mrs. BOXER. Mr. President, before Senator WELLSTONE leaves the floor, I thank him. I thought his comments were very poignant, and what he is addressing is some of the unfinished business of this body, things we have to take care of. Certainly one of them is the problems of the family farmer.

EAST TIMOR

Mrs. BOXER. Mr. President, I add my voice in praising Senator FEINGOLD for his leadership in the Foreign Relations Committee, on which I serve, on this whole issue of East Timor.

There are some things we can do very quickly in the Senate to send a message to Indonesia that we will not stand by and see this violation of human rights occur. We have some leverage. We have some agreements. We can make a difference.

THANKING THE CHAPLAIN

Mrs. BOXER. Mr. President, I thank the Chaplain today for his very inclusive prayer, calling to our attention the things we take for granted, the good people around here who work so hard and always do it in a way that makes us feel as though we are not asking them to work very hard, and we are asking them to work very hard. They are always pleasant. That includes the staff on both sides. I thank the Chaplain for that.

UNFINISHED BUSINESS

Mrs. BOXER. Mr. President, I rise today, first of all, to say it is good to be back in the Senate because I am very hopeful we can do something, in the remaining days and weeks we have, to make life better for the people we represent. I also have had some wonderful interaction with the people of my State. They have some very strong opinions on many of the issues facing us.

I think the message I got more than anything was, can't you get together on both sides of the aisle and address the issues that impact our daily lives? I certainly think that is an appropriate sentiment.

That is not to say that the Congress shouldn't be doing its oversight investigations, be it the Waco incident or what has occurred in Russia. I am not against any of that. I am for that. But we have to do everything around here. We have to do the oversight, but we also have to pay attention to business.

There is an article in today's Washington Post written by Elizabeth Drew, who wrote a book called ''The Corruption of American Politics: What Went Wrong and Why.'' She has a very interesting article called ''Try Governing for a Change.'' She says to Congress: Welcome back. We hope you had a nice vacation. We hope you will use the few weeks that remain to govern, rather than to position yourselves politically.

That is my message today. We have unfinished business. I will go through some specifics. I am not going to just stand up and talk in generalities. I want to be specific.

One of the first things we have to deal with is school safety. Our children are back at school. We have provisions in the juvenile justice bill that are now in conference that can make schools safer. We also have provisions in the commerce bill that will make schools safer. What are some of these?

The Gregg-Boxer amendment that is in the Commerce bill, which would provide $200 million for school safety activities, including security equipment, hiring more police officers, and violence prevention programs for our children, is a bipartisan provision. It passed overwhelmingly. It ought to move forward. We ought to have that help for our schools.

The gun control provisions in juvenile justice that are so very important and, might I add, are not radical—they are very moderate—I want to see us pass.

We closed the gun show loophole that allowed criminals to get guns at gun shows without going through background checks. We banned the importation of high-capacity ammunition clips which are used in semiautomatic assault weapons. We required child safety devices be sold with every handgun. We required the Federal Trade Commission and the Attorney General to study the extent to which the gun industry is marketing its products to our students, our children. We made it illegal to sell or give a semiautomatic weapon to anyone under the age of 18. That is an assault weapon.

These are very simple. They are very straightforward. We passed them in the Senate, and they are in conference. I have yet to see that conference committee meet. I certainly hope it will. I look forward to the opportunity for getting the people's business of protecting our children done. That is school safety.

We have a lot of other unfinished business. There are not that many things but they are all very important. We have the issue of saving Medicare—a very important part of the President's proposal, saving Medicare. We have to get down to it. We have to do it. We have the issue of paying down the debt. We have a huge debt. We have an opportunity with the surplus to pay it down and save all those interest payments on the debt that we continue to pay out every single day, $1 billion a day just to pay the interest payment on the debt that has accumulated since the 1980s. We ought to pay that down.

On the minimum wage, I was amazed to see a report in the Los Angeles Times about the condition of people who live in Los Angeles County. I know my friend, the Chaplain, is from that area. More than 20 percent of Los Angeles County residents live below the official poverty line. That is $16,450 a year for a family of four. This is reflective of a lot of people in our Nation. It is not just Los Angeles. When most people think of Los Angeles, they think of Hollywood. They think of millionaires. They have to understand what is happening to real people.

Twenty percent are living in poverty. One out of every three children in Los Angeles lives in poverty. If you go to Los Angeles and see little children, one out of three of them is living in poverty. That is up from one out of four in 1990.

You might say: Well, maybe it is just minority kids. No, it is a lot of children, across the board. It is 21 percent of Anglo children living in poverty; 21 percent of Asian American children are living in poverty in Los Angeles; 33 percent of African American children are living in poverty in Los Angeles; 43 percent of Latino children are living in poverty in Los Angeles; 12 percent of elderly people are living in poverty in Los Angeles, an increase from 9 percent in 1990; 2.7 million residents of Los Angeles County have no health insurance.

What I am saying is, when we talk about the minimum wage, this is real. Most of these people are working very

hard. What is happening in our society today is people are working hard at the very bottom levels. I think the least we can do in this incredible economic climate that so many of us are benefiting from is to raise that minimum wage, save Medicare, help our seniors, pay down the debt, help the future, pass these safety provisions so our kids are safe in school, and pass a Patients' Bill of Rights. We have a watered down bill in the Senate but they are going to pass a good one in the House. Get them into conference and pass it, bring it out.

Finally, campaign finance reform is so important. Of all these issues I have mentioned, I am sad to say our majority leader has only put one on the agenda for his must-do list. That is campaign finance reform. I am glad it is there. It is there because there was a threat to shut down this place if it wasn't on there, but I am glad it is on the list. All of these other things are not there.

What is worse, when you look at the most important thing the Republican majority wants to do, it is going to hurt all these other things, because it is a huge tax cut of $800 billion that is going to help the people at the upper echelons and hurt everyone else. There won't be any money for Medicare. There won't be any money to save that program. There won't be any money to pay down the debt so we can be good to our grandchildren and their children. There won't be anything for education. There won't be anything for the environment.

I say to my friends, let's do what the people want us to do. Let us take care of business.

There was an extraordinary field poll done in California. I think it is very instructive, and it is amazing in the scope of what it said.

It said that more than 80 percent of the people of California agreed with the President's approach to the budget, which, as we know, is to take that surplus and use a third of it for tax cuts for the middle class, a third of it for Medicare, and a third of it for education, the environment, health research. Now, this means the majority of Republicans agree with the President on this point.

I think we have a golden opportunity to come together on issues that mean a lot to the people: school safety, a Patients' Bill of Rights, campaign finance reform, raising the minimum wage, saving Medicare, paying down the debt, targeted tax relief to the middle class, not to those at the very top who are doing very well.

And the reason I shared the survey with you on the poverty in Los Angeles is that while the economy is terrific and is going very well in California, the gap between the rich and the poor is growing mightily. Those of us who care about our fellow human beings cannot turn our backs on this, regardless of our party, because it is a recipe for problems in the future.

Mr. President, I thank you for your indulgence. I know my colleague, Senator DORGAN, has a lot to say on these and other matters. Again, I compliment my friends who are taking the lead on the East Timor situation. We have unfinished business to do. Let's get it done and do it across the party aisle and go home proud of our accomplishments.

I yield the floor.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the order of the Senate on July 22, the Senate having received H.R. 2670, the Senate will proceed to the bill, all after the enacting clause is stricken, the text of S. 1217 is inserted, H.R. 2670 is read the third time and passed, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON of Texas, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. INOUYE, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. BYRD conferees on the part of the Senate.

(The text of S. 1217 is printed in the RECORD of July 27, 1999)

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. DORGAN. Mr. President, on October 6, 7, and 8, there will be a meeting in Vienna, Austria. It will be among countries that have ratified something called the Comprehensive Nuclear Test Ban Treaty. That treaty is embodied in this document I hold in my hand.

Now, what is the Comprehensive Nuclear Test Ban Treaty? It is a treaty negotiated by a number of countries around the world; 152 countries, in fact, have signed the treaty and 44 countries have ratified the treaty. It is a treaty designed to prohibit any further explosive testing of nuclear weapons anywhere in the world, at any time, under any condition.

This treaty ought to be an easy treaty for this country and this Senate to ratify. But we have not done so. At a time when India and Pakistan explode nuclear weapons literally under each other's chins—these are two countries that don't like each other—at a time when we have evidence of more proliferation of nuclear weapons into the hands of countries that want access to nuclear weapons with which to, in some cases, defend themselves, perhaps in other cases to terrorize the rest of the world, this country ought to be exhibiting leadership. It is our moral responsibility to provide leadership in the world on these issues. This country ought to provide leadership on the issue of the Comprehensive Nuclear Test Ban Treaty.

We have not ratified this treaty. At the meeting in Vienna, countries that have ratified it will participate in discussing the implementation of this treaty, and this country will not be an active participant. Great Britain, Belgium, Germany, Canada, Italy, Norway, Poland, and France will be but we will not. We are the largest nuclear superpower on Earth and we have not ratified this treaty.

What about nuclear weapons and nuclear war? I was in the presence of a nuclear weapon recently at a military installation. If you stand a foot or two away from a nuclear weapon and look at it, it is a relatively small canister-looking device that, upon explosion, will devastate portions of our Earth.

Going back nearly 40 years to an address by John F. Kennedy, he said something about nuclear weapons. In fact, he quoted Nikita Khrushchev:

> Since the beginning of history, war has been mankind's constant companion. It has been the rule, not the exception. Even a nation as young and as peace-loving as our own has fought through eight wars. A war today or tomorrow, if it led to nuclear war, would not be like any war in history. A full-scale nuclear exchange, lasting less than 60 minutes, with the weapons now in existence, could wipe out more than 300 million Americans, Europeans, and Russians, as well as untold numbers elsewhere. And the survivors, as Chairman Khrushchev warned the Communist Chinese, ''the survivors would envy the dead.'' For they would inherit a world so devastated by explosions and poison and fire that today we cannot even conceive of its horrors.

This country and Russia have 30,000 nuclear weapons between them. Other countries want nuclear weapons, and they want them badly. To the extent that any other country cannot test nuclear weapons, no one will know whether they have a nuclear weapon that works. No one will have certainty that they have access to nuclear weaponry. That is why the Comprehensive Test Ban Treaty is so critical.

Now, where is it? Well, it is here in the Senate. It has been here 716 days, with not even 1 day of hearings. Not one. Virtually every other treaty sent to the Senate has been given a hearing and has been brought to the Senate floor and debated and voted upon. The issue of the proliferation of nuclear weapons and the stopping of explosive testing of nuclear weapons is not important enough to be brought to the Senate floor for a debate. It has been over 700 days. Not 1 day of hearings.

In October, this country, which ought to be the moral leader on this issue, will not be present as a ratified member at the implementing meetings for this treaty. Shame on us. We have a responsibility to do this. There are big issues and small issues in this Congress. This is a big issue and cannot be avoided.

Now, I am not here to cast aspersions on any Member of the Senate. But I waited here this morning to have the majority leader come to the floor—and he was not able to come to the floor—to describe the agenda this week. When

he comes to the floor, I intend to come to the floor and ask him when he intends to bring this treaty to the floor. If he and others decide it will not come to the floor, I intend to plant myself on the floor like a potted plant and object. I intend to object to other routine business of the Senate until this country decides to accept the moral leadership that is its obligation and bring this treaty to the floor for a debate and a vote.

In a world as difficult as this world is, when countries such as India and Pakistan are detonating nuclear weapons, it is inexcusable, when so many other countries are trying to gain access to nuclear weapons for themselves, that this Senate, for over 2 years, has not been willing or able to allow a debate on a treaty as important as is this treaty. The banning of nuclear explosive testing all around the world at any time, anyplace, anywhere is critically important for our future, for our children, and for their children.

Now, my colleagues know—at least I hope some know—that I am fairly easy to work with. I enjoy the Senate. I enjoy working with my colleagues. I think some of the best men and women I have had the privilege of working with in my life are here on both sides of the aisle. I have great respect for this body. But this body, in some ways, is very frustrating as well because often one or two people can hold up something very important. In this circumstance, I must ask the majority leader—and I will today when given the opportunity when he is on the floor—when will we have the opportunity to debate this Comprehensive Test Ban Treaty.

That meeting in October should not proceed without this country providing a leadership role. The only way that can happen is for us to have ratified the treaty. China and Russia have not ratified the treaty; that is true. They are waiting on this country. India and Pakistan are now talking about detonating more nuclear weapons; that is true. They are asking others to implore one or the other to ratify this treaty. Both countries are waiting for this country's leadership. What kind of credibility does this country have to go to India and Pakistan and say to them, ''You must ratify this treaty,'' and when they turn to us to say, ''Have you?'' we would say no? Somehow, the Senate could not, in 700 days, even hold 1 day of hearings on the Comprehensive Nuclear Test Ban Treaty.

We have to do better than that. I am sorry if I am going to cause some problems around here with the schedule. But frankly, as I said, there are big issues and there are small issues. This is a big issue. And I am flat tired of seeing small issues around this Chamber every day in every way, when the big issues are bottled up in some committee and the key is held by one or two people. Then we are told: If you do not like it, tough luck; you don't run this place. It is true, I don't run this place, but those who do should know this is going to be a tough place to run if you do not decide to bring this issue to the floor of the Senate and give us the opportunity to debate a Comprehensive Nuclear Test Ban Treaty. This will not be an easy road ahead for the Senate if you decide that this country shall not exercise the moral leadership that is our responsibility on these matters.

If I might with the remaining minute or so mention an editorial in the Washington Post from yesterday, I ask unanimous consent that it be printed in the RECORD.

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

WHY A TEST BAN TREATY?

The proposed nuclear test ban treaty has been around so long—for 50 years—and has been so shrouded in political foliage that many people have forgotten just what it entails. The current debate about it centers on the Clinton administration's differences with the Russians on the one hand and with the Republicans on the other. But in fact the appeal of the treaty is a good deal simpler and more powerful than the debate indicates. This treaty would put an end to underground nuclear tests everywhere; tests above ground already are proscribed either by treaty or by political calculation. Its merits shine through.

Testing is the principal engine of nuclear proliferation. Without tests, a would-be nuclear power cannot be sure enough the thing would work to employ it as a reliable military and political instrument. Leaving open the testing option means leaving open the proliferation option—the very definition of instability. The United states, which enjoys immense global nuclear advantage, can only be the loser as additional countries go nuclear or extend their nuclear reach. The aspiring nuclear powers, whether they are anti-American rogue states or friendly-to-America parties to regional disputes, sow danger and uncertainty across a global landscape. No nation possibly can gain more than we do from universal acceptance of a test ban that helps close off others' options.

At the moment, the treaty is hung up in the Senate by Republicans desiring to use it as a hostage for a national missile defense of their particular design. This is curious. The obstructionists pride themselves in believing American power to be the core of American security. Why then do they support a test ban holdup that multiplies the mischief and menace of proliferators and directly erodes American power? The idea has spread that Americans must choose between a test ban treaty and a missile defense. The idea is false. These are two aspects of a single American security program, the one being a first resort to restrain others' nuclear ambitions and the other a last resort to limit the damage if all else fails. No reasonable person would want to cast one of these away, least of all over details of missile program design. Those in the Senate who are forcing an either-or choice owe it to the country to explain why we cannot employ them both.

The old bugaboo of verification has arisen in the current debate. There is no harm in conceding that verification of low-yield tests might not be 100 percent. But the reasonable measure of these things always has been whether the evasion would make a difference. The answer has to be that cheating so slight as to be undetectable by one or another American intelligence means would not make much difference at all.

The trump card of those who believe the United States should maintain a testing option is that computer calculations alone cannot provide the degree of certitude about the reliability of weapons in the American stockpile that would prudently allow us to forgo tests. This is a matter of continuing contention among the specialists. But what seems to us much less in contention is the proposition that, given American technological prowess, the risk of weapons rotting in the American stockpile has got to be a good deal less than the risk that other countries will test their way to nuclear status.

The core question of proliferation remains what will induce would-be proliferators to get off the nuclear track. Certainly a ''mere'' signature on a piece of paper would not stay the hand of a country driven by extreme nuclear fear or ambition. Two things, however, could make a difference. One is if the nuclear powers showed themselves ready to accept some increasing part of the discipline they are calling on non-nuclear others to accept, so that the treaty could not be dismissed as punitive and discriminatory. The other is that when you embrace the test ban and related restraints on chemical and biological weapons, you are joining a global order in which those who play by the agreed rules enjoy ever-widening benefits and privileges and those who do not are left out and behind.

President Clinton signed the test ban treaty, and achieving Senate ratification is one of his prime foreign policy goals. More important, ratification would make the world a safer place for the United States. Much still has to be worked out with the Republicans and the Russians, but that is detail work. The larger gain is now within American reach.

The editorial says the following:

The core question of proliferation remains what will induce would-be proliferators to get off the nuclear track. Certainly a ''mere'' signature on a piece of paper would not stay the hand of a country driven by extreme nuclear fear or ambition. Two things, however, could make a difference. One is if the nuclear powers showed themselves ready to accept some increasing part of the discipline they are calling on non-nuclear others to accept, so that the treaty could not be dismissed as punitive and discriminatory. The other is that when you embrace the test ban and related restraints on chemical and biological weapons, you are joining a global order in which those who play by the agreed rules enjoy ever-widening benefits and privileges and those who do not are left out and behind.

The point is that this country must demonstrate moral leadership on this issue and must do it now.

Seventy to eighty percent of the American people support the ratification of this treaty. Most American people understand that this issue is about who is going to have access to nuclear weapons in the future. And, incidentally, on the issue of nonproliferation of nuclear weapons, which is about as important an issue as there is for us, this is a baby step. If we can't take the baby step of ratifying this treaty, what on Earth will be the result of tougher, more difficult things we are called upon to do?

This isn't Republican or Democrat. It is a responsibility for all Members of the Senate to say it is outrageous that after 700 days, a treaty that has been signed and sent to the Senate has not been ratified or had one day of hearings. We have an obligation and a responsibility. We, in my judgment, have

a right to expect this be brought to the floor for a debate and a vote.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming is recognized.

ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, I think we have 30 minutes assigned in morning business. I want to begin to talk about what I think is a very big issue; that is, the appropriations discussions that will take place on the Interior and related agencies which will start after morning business.

I would like to yield to my friend, the Senator from Arizona.

The PRESIDING OFFICER. We have time reserved for the Senator from Wisconsin. The Chair was alternating back and forth.

Mr. THOMAS. It was my understanding that we had an hour of time and half was ours and half of it was already used.

The PRESIDING OFFICER. They have time remaining. The Senate had a late start.

Mr. FEINGOLD. Mr. President, if I could be of help, it is my understanding they have 30 minutes and, subsequent to that, Senator REID and I will each have 10 minutes. That is my understanding of the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I thank the Senator from Wisconsin and I thank Senator THOMAS from Wyoming.

THE NUCLEAR TEST BAN TREATY

Mr. KYL. Mr. President, I just want to talk for a brief bit of time on the Interior appropriations bill and on some matters that are very important to people throughout this country, particularly in the West. But let me begin by making a comment about what the Senator from North Dakota has just said. In fact, he has said that he is going to threaten to bring the business of the Senate to a halt unless he gets his way, and what he wants to do is have a debate on the Comprehensive Test Ban Treaty.

There are a lot of important things facing this country. But to quote from the President of the United States, who very recently gave a talk about putting first things first, it seems to me that most of the American people would like to put first things first, and that would include matters such as the continuation of the running of the Government for the next year which would require us to pass appropriations bills to fund the various Departments of the Government, not the least of which is the Department of the Interior which is what we are going to be talking about next. There will be plenty of time to debate the Comprehensive Test Ban Treaty.

But in terms of the priority of this country, I think our colleagues need to understand that treaty can't even go into effect until 100 percent of the major countries of the world sign it. There are many countries that haven't signed it. It is going to be years before that treaty goes into effect. There is no rush for the United States to have to take up that treaty.

To be threatened with stopping all business of the Senate until it can debate the Comprehensive Test Ban Treaty, I hope my colleague will reconsider his position on that. We talk about what I consider to be first things first, and that would be to finish our business here, which is, first of all, to get the appropriations bills passed and sent to the President for his consideration.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Mr. KYL. Mr. President, one of the appropriations bills we have yet to act upon is the Interior appropriations bill, as Senator THOMAS pointed out. He comes from the State of Wyoming. I come from the State of Arizona. Practically every State west of the Mississippi is significantly impacted by this bill because, as I am sure you are well aware, Mr. President, coming from the State of Montana, more than a third of this Nation's lands are owned by the Federal Government. Most of those are in the western United States. Many of those lands are under the jurisdiction of the Department of the Interior.

This is an extraordinarily important bill for the people of our States. I just want to discuss one aspect of it that is very important for my State of Arizona and other States in the western United States.

We have a very difficult condition in our national forests now. They have been probably—I think it is not too strong a term—''mismanaged'' over the years. It has been a combination of things. It has been the combination of the Forest Service, the Department of Agriculture, the Department of the Interior, the grazing on public lands, the way that fire suppression has taken off, and some other things which have resulted in the condition where, instead of healthy forests of large trees that have great environmental value and value to the other flora and fauna in the forest and which present a relatively safe situation in terms of forest fires, we now have a situation in the West where our forests are literally becoming overgrown.

They are becoming so thick and dense with small-growth trees that:

(A) They are very fire prone.

(B) They are not resistant at all to disease and to insects.

(C) They are not environmentally pleasing at all.

(D) None of the trees grow up to be very large because they are all competing for the moisture and the nutrients in the soil.

The net result is a situation that is very different from that which pertained at the turn of the century when we had very healthy forests of very large trees that were spaced quite a distance apart, with meadows in between, with a lot of good grass that livestock and wild animals could graze on, and which were not prone to forest fire because the fire would work along the ground when it occurred. It would reduce the fuel load on the ground, but it would never get to be the kind of crown fire we have just seen on television that has been experienced in several States in the West, not the least of which is in California.

You get the crown fires when you have a lot of brush on the ground. You have these small, dense trees and many come under the boughs of the great big trees. The fire starts on the ground and goes right up to the crown of the other trees. We have all seen from those television pictures the explosive power of the fires. It is a horrendous situation. It threatens life and limb as well as the destruction of the forest and all that is within it.

We have to find a way to better manage our forests. We have been for some time urging the Department of Agriculture and the Department of the Interior to work on a management program which essentially involves the thinning of these small-diameter trees, leaving the large-diameter trees—leaving the old growth but thinning out the small-diameter trees, and then doing controlled burns to get rid of the fuel load, and after that letting nature take its course.

We have found from experimentation—primarily through Northern Arizona University, Dr. Walley Covington, and others who have done the research and demonstration projects we have funded—that the trees become more healthy. The pitch content of the trees increases significantly. So they are less susceptible to bark beetles and other kinds of insect damage. The grasses grow up underneath the trees as they didn't do before. The protein content of the grasses is significantly higher. So it is much better grazing for the forest animals. In every respect, from an environmental point of view, it is a better situation than that which pertains today.

This takes money because you have to pay to go in and do the thinning. Each one of these projects requires a substantial amount of money.

So far, the research has been done on small plots of land. But according to the General Accounting Office, we have about 25 to 30 years maximum to treat all of our forests or we are going to be into a contagion situation with very little hope of saving these forests. In fact, we have about 39 million acres of national forest lands in the interior West that are at high risk of catastrophic fire, and only this brief period of maybe 25 years to effectively manage these forests.

There are two major impediments to solving the problem. One is agency inertia. It has taken a long time to get the agencies up and running. Secretary Babbitt has been supportive of this concept. There are extremists in the environmental community who want to prevent any management of the forest. Many fine environmental groups are supportive of participation in this program, but there are extremists who file lawsuits to try to prevent any management.

I have asked Forest Service Chief Dombeck to support a dramatic increase in forest restoration. In fact, the Forest Service plans to implement three to four large-scale projects of 100,000 to 300,000-acre size during fiscal year 2000. The fiscal year 2000 budget for the Forest Service called for reducing fuels on only 1.3 million acres, down from 1.5 million planned for 1999.

The GAO estimates a very substantial increase in funding will be necessary, probably up to $725 million annually, in order to adequately address this problem. I strongly support increased restoration funding for this fuels reduction program, including the Forest Service new line-item request for the forest ecosystem restoration improvement fund. This will be used to support forest restoration projects where current funding is not available or feasible, particularly in a situation where the materials are available to be cut have no commercial value.

I plan to continue my efforts to support this. I know the Senator from Wyoming is strongly supportive of managing our national forests—both the forests under the jurisdiction of the Department of Agriculture and the Department of Interior—in a very sensible fashion. We are just now starting this. It has taken a few years to get consent on the right way to do this. We have a lot more funding to provide. We need much more agency support for this forest restoration if we are going to save the national forests of this great country.

I think this is very important not only for the people in the West but throughout the country. I think it deserves our attention and our priority.

I appreciate the opportunity for discussion this morning, and I thank the Senator from Wyoming for reserving time to talk about these important issues.

Mr. THOMAS. Mr. President, I take this time to talk about the uniqueness of the public lands of the West. It is very clear there are great differences among the States in terms of land management, the kinds of land ownership that exist, and the delivery of health care.

Wyoming is a large State. I think we are the eighth largest State in the United States yet the smallest in population. We have small towns. There are twice as many people in Fairfax County as there are in the State of Wyoming. The point I make is ''one size fits all'' in many areas of operation does not work effectively in delivering services. I think that is especially true when we start talking about the management of resources and the management of lands.

This chart shows the Federal land holdings by State. The color brown represents almost all New England States with less than 1 percent of their total land surface held by the Federal Government. Blue represents States with 1 percent to 5 percent, including much of the South and the Midwest. Five to 10 percent are the purple-colored States. In the West, the yellow-colored States have up to 65 percent of the State's surface belonging to the Federal Government. It is a unique proposition. Furthermore, there are States in green that go beyond that. This map shows almost 83 percent of Nevada—actually I think it is probably 87 percent of Nevada's surface—belonging to the Federal Government. The same is true in Alaska.

There is a great deal of difference in how we do this. The lands belong to everyone. The economy of the States depends on Federal decisions that are made, including the jobs for everyone who lives there. Local county governments take care of all services transpiring on Federal lands.

Let me show you an enlarged map of Wyoming. This map gives you an idea of the amount of land in Wyoming belonging to the Federal Government or public lands. This is an Indian reservation. Purple represents national parks. We are very proud of them. The green represents U.S. forest reserves. The interspersed yellow represents land managed by the Bureau of Land Management. Where the railroads went through in the early years are checkerboard lands, with every other section being owned by the Federal Government. There are control and access problems for all of these areas.

We depend highly upon the dollars made available through the Interior appropriations. We have had much involvement with the decisions made by the land management agencies in these areas, whether it be BLM or others. I want to emphasize how important it is to talk about some of these important issues.

For example, these lands are basic lands. BLM lands were largely residual that remained after the Homestead Act expired. They generally are lands in the plains of our State. The homesteaders came in along the rivers and creeks, taking the most productive lands. The other lands remain managed by the BLM. To remain an agricultural unit it is always necessary to have the productive lands and the other lands for grazing. We use them for multiple use.

Everyone in Wyoming wants to use the lands for wildlife, for the preservation of wildlife, hunting, hiking. Indeed, they can be used together. It is sometimes difficult to find agreement. Multiple use, whether for mineral production or not—all the lands yield minerals; mostly oil, trona, soda ash or coal; Wyoming is the largest producer of coal in the country which most people don't realize—is income for the State and the Federal Government with their royalties.

We have currently and in this bill we will talk about funding for the Fish and Wildlife Service which manages the Endangered Species Act. This is a very difficult area. Everyone wants to preserve critters, animals, and plants that are endangered. At the same time, there are some questions when we have an animal in some danger. First, the grizzly bears or wolves; now we have the Preble's Meadow jumping mouse listed as endangered. It becomes almost a threat to the private land owners who are restricted from using their lands as they desire because of the potential threat of endangerment.

These are the issues we deal with. We deal with PILT payments, payments in lieu of taxes. Fifty percent of the State belongs to the Federal Government. There are no taxes as in private lands. In this bill, there is funding for PILT payments. We will have an amendment to raise it.

The counties provide hospital service, the counties provide policing, the counties provide all the services to these lands but have received no revenue as the case would be if they had been private lands. These are the things with which we deal.

Much of this supports grazing. Ranchers in Wyoming have permits. They pay so much per animal unit for grazing. We have a problem now because the Forest Service or the BLM has not done a NEPA study for permit renewal. Unfortunately, they have not been able to complete the NEPA studies. Now we are faced with the question: Does the grazing lease expire because there has not been a study?

There will be an amendment that says you can go ahead and extend the grazing lease and let the BLM go ahead and make the study; it doesn't preclude the study. The study will still be made, but it allows the grazing to continue because it is no fault of the grazer the study has not been made.

The Senator from Arizona talked about forests and forest management. Obviously, in many cases there is some kind of harvesting of mature timber. If it is not harvested and managed in the way you take it out, then it burns.

I just came back from spending several days in Yellowstone Park where we had a gigantic fire in the late eighties. It is discouraging to see how long it takes to reforest an area of that kind.

We are dealing again in this bill with financing what is called the clean water action plan which has to do with nonpoint source water controls. One hundred eleven ideas, put forth by EPA to do some things like that, frankly, are going to be extremely difficult and will have much to do with the utilization and multiple use of these lands because you have to have the water to do that.

We talk about droughts in the East. Frankly, this kind of area does not get as much rainfall in a normal year as we did in a drought. This is 14 inches per year. The water, the runoff, and the irrigation are a very real part of it.

We are going to move into this area this afternoon. I am very pleased with what has been done. The Senator from Washington has put together a bill which I think has great merit. We are trying to do some things that will make it more workable in terms of oil royalties, grazing fees, and some of the other things that do become controversial.

I urge people to take a look at the situation, even though they do not live here, and try to understand why some of these things need to be handled a little bit differently because of the situation we have in the West.

I thank the Chair for the opportunity to talk about this bill. I believe we have used our time, or very close to it. I yield back the time if we have not.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD and Mr. REED pertaining to the introduction of S. 1568 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 1:19 p.m. recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now go into executive session to consider Executive Calendar orders numbered 173 and 175.

The nominations will be stated.

THE JUDICIARY

The legislative clerk read the nominations of Adalberto Jose Jordan, of Florida, to be United States District Judge for the Southern District of Florida, and Marsha J. Pechman, of Washington, to be United States District Judge for the Western District of Washington.

The Senate proceeded to consider the nominations.

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes of debate equally divided.

Who seeks time?

The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I would like to express my enthusiastic support for the nomination of Judge Marsha J. Pechman to serve on the United States District Court for the Western District of Washington.

Ms. Pechman was chosen by a selection committee jointly appointed by my colleague, Senator MURRAY, and myself, and was jointly recommended by the two Senators from the State of Washington to President Clinton. The President has therefore engaged fully in the normal advice and consent process for choosing Federal judges for this vitally important lifetime position.

Judge Pechman has significant judicial experience. She has served as a superior court judge in King County, Washington, for a period of 11 years, handling a wide range of cases, taking an active role in improving the administration of justice, and instructing and teaching other judges and lawyers. Before becoming a judge, Marsha Pechman worked as a deputy prosecuting attorney in King County and was later made a partner in a significant, major law firm in the city of Seattle.

I ask my colleagues to join with my colleague from the State of Washington and myself in approving a first-rate nomination on the part of the President, Judge Marsha Pechman, to serve as United States District Court Judge for the Western District of Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Republican leadership for allowing the Senate to consider and confirm two more outstanding judicial nominations today. Marsha Pechman and Adalberto Jose Jordan had confirmation hearings on July 13. They were favorably reported by the Judiciary Committee long before the August recess.

I regret that they were not confirmed at that time along with the other 11 judicial nominees on the Senate calendar who are still awaiting Senate action. With these confirmations today—and I predict they will be confirmed—the Senate will finally have confirmed more than a dozen judges this year. By comparison, last year at this time the Senate had confirmed 39 judges, not just 13; by this time in 1994, the Senate had confirmed 58 judges, not just 13.

In the past I have challenged the Senate to try to keep up with Sammy Sosa's home run pace. He has 58 home runs so far this year. We are behind not just his home run pace but the home run pace set by National League pitchers.

The Senate has ready for action the nominations of Marsha Berzon to the Ninth Circuit, Justice Ronnie White to the District Court in Missouri, and many other qualified nominees.

The current nomination delayed the longest is that of Judge Richard Paez. He has been held up for over 3½ years, yet can anybody on this floor state with confidence that if he were allowed to have a rollcall vote, he would not be confirmed. The Judiciary Committee twice reported the nomination favorably. If we were honest and decent enough in the Senate to allow this man to come to a vote after 3½ years, he would be confirmed. It is a scandal, a shame on the Senate that we do not confirm this nominee.

His treatment recalls the criticism the Chief Justice of the United States, William Rehnquist, has made of the Senate. He pointed out that after a period for review nominations should be voted up or voted down. He pointed out that too many nominations were being held up too long. The nomination of Judge Richard Paez is currently Exhibit A.

We are not doing our job. We are not being responsible. We are being dishonest, condescending, and arrogant toward the judiciary. It deserves better and the American people deserve better.

We have less than 8 weeks in which the Senate is scheduled to be in session the remainder of the year. We have our work cut out for us if we are to consider the 49 judicial nominations pending at the start of this week and others who are being nominated over the next few weeks.

In spite of our efforts last year in the aftermath of strong criticism from the Chief Justice of the United States, the vacancies facing the Federal judiciary are, again, approximately 70 and the vacancies gap is not being closed. We have more Federal judicial vacancies extending longer and affecting more people. Judicial vacancies now stands at over 8 percent of the Federal judiciary. If one considers the additional judges recommended by the Judicial Conference, the vacancies rate would be over 15 percent.

Nominees deserve to be treated with dignity and dispatch—not delayed for two and three years. We are seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges. Nominees practicing law see their work put on hold while they await the outcome of their nominations. Their families cannot plan.

The President spoke about the vacancies crisis again last month. Certainly no President has consulted more closely with Senators of the other party on judicial nominations. The Senate should get about the business of voting on the confirmation of the scores of judicial nominations that have been delayed without justification for too long. We must redouble our efforts to work with the President to end the longstanding vacancies that plague the federal courts and disadvantage all Americans. That is our constitutional responsibility.

The PRESIDING OFFICER. If all time is yielded back, the Senate will now proceed to vote. The question is, Will the Senate advise and consent to the nomination of Adalberto Jose Jordan, of Florida, to be a United States District Judge for the Southern District of Florida? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yes.''

Mr. REID. I announce that the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MIKULSKI) are absent because of attending a funeral.

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 262 Ex.]

YEAS—93

Abraham	Durbin	Levin
Akaka	Edwards	Lieberman
Allard	Enzi	Lincoln
Ashcroft	Feingold	Lott
Baucus	Feinstein	Lugar
Bayh	Fitzgerald	Mack
Bennett	Frist	McConnell
Biden	Gorton	Moynihan
Bingaman	Graham	Murray
Bond	Gramm	Nickles
Boxer	Grams	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Robb
Bryan	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Helms	Roth
Byrd	Hollings	Santorum
Campbell	Hutchinson	Schumer
Chafee	Hutchison	Sessions
Cleland	Inhofe	Shelby
Cochran	Inouye	Smith (OR)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Coverdell	Kennedy	Stevens
Craig	Kerrey	Thomas
Crapo	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Kyl	Torricelli
Dodd	Landrieu	Warner
Domenici	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NAYS—1

Smith (NH)

NOT VOTING—6

Hatch	Mikulski	Sarbanes
McCain	Murkowski	Voinovich

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid on the table.

The Senate will now proceed to vote on Executive Calendar No. 175. The question is, Will the Senate advise and consent to the nomination of Marsha J. Pechman to be United States District Judge for the Western District of Washington? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yes.''

Mr. REID. I announce that the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MIKULSKI) are absent because of attending a funeral.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 263 Ex.]

YEAS—93

Abraham	Durbin	Levin
Akaka	Edwards	Lieberman
Allard	Enzi	Lincoln
Ashcroft	Feingold	Lott
Baucus	Feinstein	Lugar
Bayh	Fitzgerald	Mack
Bennett	Frist	McConnell
Biden	Gorton	Moynihan
Bingaman	Graham	Murray
Bond	Gramm	Nickles
Boxer	Grams	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Robb
Bryan	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Helms	Roth
Byrd	Hollings	Santorum
Campbell	Hutchinson	Schumer
Chafee	Hutchison	Sessions
Cleland	Inhofe	Shelby
Cochran	Inouye	Smith (OR)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Coverdell	Kennedy	Stevens
Craig	Kerrey	Thomas
Crapo	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Kyl	Torricelli
Dodd	Landrieu	Warner
Domenici	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NAYS—1

Smith (NH)

NOT VOTING—6

Hatch	Mikulski	Sarbanes
McCain	Murkowski	Voinovich

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin, Mr. FEINGOLD, is recognized to speak for up to 30 minutes as in morning business.

THE SENATE WILDERNESS AND PUBLIC LANDS CAUCUS

Mr. FEINGOLD. Mr. President, I rise to commemorate the 35th anniversary of the Wilderness Act of 1964, which was signed into law on September 3, 1964 by President Lyndon B. Johnson, and to announce the formation of a Senate Wilderness and Public Lands Caucus. The Wilderness Act became law seven years after the first wilderness bill was introduced by Senator Hubert H. Humphrey of Minnesota. The final bill, sponsored by Senator Clinton Anderson of New Mexico, passed the Senate by a vote of 73–12 on April 9, 1963, and passed the House of Representatives by a vote of 373–1 on July 30, 1964. The Wilderness Act of 1964 established a National Wilderness Preservation System ''to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.''

The law reserves to Congress the authority to designate wilderness areas, and directs the federal land management agencies to review the lands under their responsibility for their wilderness potential.

The original Wilderness Act established 9.1 million acres of Forest Service land in 54 wilderness areas. Now, after passage of 102 pieces of legislation the wilderness system is comprised of over 104 million acres in 625 wilderness areas, across 44 States, and administered by four federal agencies: the Forest Service in the U.S. Department of Agriculture, and the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service in the Department of the Interior.

As we in this body know well, the passage and enactment of legislation of this type is a remarkable accomplishment. It requires steady, bipartisan commitment, institutional support, and direct leadership. The United States Senate was instrumental in shaping this very important law, and this anniversary gives us the opportunity to recognize this role. I am honored today to be joined on the floor by one of the three Senators remaining in this body who have the distinguished honor of having voted for this legislation, the Senior Senator from West Virginia (Mr. BYRD). I look forward to his remarks at the conclusion of my own. The Senior Senator from Massachusetts (Mr. KENNEDY) and the Senior Senator from Hawaii (Mr. INOUYE), who also voted for this legislation, have asked that their remarks regarding this anniversary be included in the RECORD. Their remarks will also appear in the RECORD together with my remarks on the Wilderness Act anniversary.

In addition, I understand that the Ranking Member of the Energy Committee (Mr. BINGAMAN) has a statement on the anniversary.

Under the Wilderness Act, wilderness is defined as ''an area of undeveloped federal land retaining its primeval character and influence which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.'' The concept of the creation of a national wilderness system marked an innovation in the American conservation movement—wilderness would be a place where our ''management strategy'' would be to leave lands essentially undeveloped.

Congress lavished more time and effort on the wilderness bill than almost any other measure in conservation history. The original bill established 9.1 million acres of federally protected wilderness in national forests. From June 1957 until May 1964 there were nine separate hearings on the proposal, collecting over six thousand pages of testimony. The bill itself was modified and rewritten sixty-six different times. Twenty different Senators made statements on the legislation. Much of the delay in reaching a final version

stemmed from the conflicts between the scope of the bill's restrictions on mining, grazing, oil and other extractive activities on designated wilderness areas and the need for the law to be flexible in the light of pre-existing activities. The bill's supporters argued that the measure gave legal sanction to the areas already being managed by the Forest Service as primitive areas. More importantly, they successfully argued that Congressional action was necessary because the wilderness that exists is its own finite resource.

More than a century of development had brought greatly changed conditions to both public and private lands throughout the country. ''If the year were 1857 instead of 1957,'' one supporter of the bill wrote in the Living Wilderness, the Wilderness Society's newsletter, ''I'd say definitely no [to a wilderness bill]. But given the almost total dominance of developed civilization, I am compelled to work for saving the remnants of undeveloped land.'' I think those remarks apply just as well to the state of our federal lands today, more than thirty-five years later.

My interest in this law stems from the fact that Wisconsin has produced great wilderness thinkers and leaders in the wilderness movement such as Aldo Leopold, Sigurd Olsen, John Muir and former Senator Gaylord Nelson. Senator Nelson was a co-sponsor of the Wilderness Act of 1964, along with former Wisconsin Senator William Proxmire. I am proud to now hold the Senate seat that Senator Nelson held with distinction from 1963 to 1981. As a Senator from Wisconsin, I have a special depth of feeling about this issue.

The testimony at Congressional hearings and the treatment of the bill in the press of the day reveals Wisconsin's crucial role in the long and continuing American debate about our wild places, and the development of the Wilderness Act. The names and ideas of John Muir, Sigurd Olson, and Aldo Leopold, especially Leopold, appear time and time again in the legislative history.

Senator Clinton Anderson of New Mexico, chairman of what was then called the Committee on Interior and Insular Affairs, stated that his support of the wilderness system was the direct result of discussions he had held almost forty years before with Leopold, who was then in the Southwest with the Forest Service. It was Leopold who advocated, while with the Forest Service, the creation of a primitive area in the Gila National Forest in New Mexico in 1923. The Gila Primitive Area formally became part of the wilderness system when the Wilderness Act became law. In a statement in favor of the Wilderness Act in the New York Times, then Secretary of the Interior Stewart Udall discussed ecology and what he called ''a land ethic'' and referred to Leopold as the instigator of the modern wilderness movement. At a Senate hearing in 1961, David Brower of the Sierra Club went so far as to allege that ''no man who reads Leopold with an open mind will ever again, with a clear conscience, be able to step up and testify against the wilderness bill.''

For others, the ideas of Olson and Muir provided a justification for the wilderness system, particularly that the country's strength depends upon blending contact with the primitive into a civilized existence because the frontier played such a central role in the our history.

Passage of the Wilderness Act of 1964 has not terminated the American debate over the meaning, value and need to protect wild country. As I mentioned, the wilderness system has dramatically expanded under both Republican and Democratic leadership. The number of wildernesses established and acres designated by each Congress has varied greatly from year to year. There have been only nine individual years since passage of the Wilderness Act when no wildernesses were designated, and 1965 to 1967 was the only period of three consecutive years in which no wilderness legislation was passed by Congress. In 1984, during the Reagan Administration, 175 wildernesses were established, more than double any other year's addition. Despite the record number of new wildernesses in 1984, the largest number of wilderness acres was designated in 1980 with passage of the Alaska National Interest Lands Conservation Act, which added over 56 million acres to the National Wilderness Preservation System. Combined with other wilderness laws passed that year, nearly 61 million acres of wilderness were designated in 1980, more than 6 times the number of acres passed in any other year.

Significant additions to the system continued up until 1994, when Congress passed the California Desert Protection Act. Despite this accomplishment, Congress has gotten out of the habit of passing wilderness bills which protect our remaining wilderness-quality federal lands. In the 105th Congress, the Senate's actions were much more modest—we added about 160 acres to the Eagles Nest Wilderness in Colorado.

However, Congress has much bolder bills before it, with bipartisan support, such as the bills to designate 9.1 million acres in Utah and the coastal plain of the Arctic National Wildlife Refuge as wilderness. In addition, President Clinton proposed a new omnibus National Parks wilderness bill in his State of the Union. We need to address these measures, and to revitalize the tradition of statewide and state delegation led wilderness bills.

In order to get the Senate in a position to act on wilderness issues, I hope to raise awareness of the importance of wilderness in the Senate. I have been working to organize a Wilderness and Public Lands Caucus that will help the Senate to renew its bipartisan commitment to the active protection of wilderness and public lands. Today I am delighted to announce that Senator MCCAIN, Senator DURBIN, Senator FEINSTEIN, Senator MURRAY, and Senator BAYH will be joining me in this effort. I encourage any member of the Senate interested in learning about and working on these issues to join our caucus, and I am grateful to these members who are willing to lend their time and leadership.

I feel it is time to promote and re-develop expertise on these issues in the Senate. In the early days of the Wilderness Act many Senators had expertise on these issues, and ad hoc coalitions formed to pass large bills with provisions for a number of states. However, now that the Senate has lost its zeal for the continuing work of identifying and designating wilderness areas this expertise has dwindled. Without a new dedication to re-building this expertise, wilderness and public lands issues will remain increasingly divisive, despite a resurgent public interest in our wilderness and an increased public desire for Congress to extend additional protection to federal lands of wilderness quality.

I intend for the caucus to meet as necessary during each Senate session in pursuit of several objectives:

To assist members in defending existing wilderness areas, and other federal land resources already protected in the public trust, from activities that have the potential to significantly affect the qualities for which they were designated.

To support and provide advice to members seeking opportunities to designate new wilderness areas.

To provide members with a bipartisan forum in which to discuss wilderness and other public land protection and management issues and learn from others' expertise.

To educate members about the Wilderness Act and other federal land management statutes, and to improve understanding of the appropriate uses of various federal land management designations and the federal financial and management requirements needed to implement them.

Mr. President, many would agree that more must be done to protect our wild places. One of the things that needs to be done, particularly on the cusp of the Millennium, is to examine and improve the ability of this body to understand and grapple with these issues in the public interest. This is a great institution, with a strong conservation history, which has produced the Wilderness Act, one of the gems of conservation law. I am actively committing to working on wilderness issues because I believe it to be in the Wisconsin tradition, and, as a Senator, I am trying to use the tools I have been given by the people of Wisconsin to build the leadership needed to defend these places.

In conclusion, I would like to remind colleagues of the words of Aldo Leopold in his 1949 book, A Sand County Almanac. He said, ''The outstanding scientific discovery of the Twentieth Century is not the television, or radio, but rather the complexity of the land organism. Only those who know the most

about it can appreciate how little is known about it.'' We still have much to learn, but this anniversary of the Wilderness Act reminds us how far we have come and how powerful a collegial commitment to public lands can be in the Senate.

I am very pleased and honored to be able to yield the remainder of my time to one of the three Senators who is here to vote for this legislation, the senior Senator from West Virginia, Mr. BYRD.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I thank the Senator from Wisconsin, Senator FEINGOLD, for bringing us together today to celebrate the passage of the Wilderness Act of 1964. Too often, the pressing events of the day prevent us from remembering so many important pieces of legislation. I am happy that we are able to take a moment to recognize a historic piece of legislation.

Let me begin with a look backward over the well-traveled road of history. It is only fitting that we turn our faces backward so that we might be better informed and prepared to deal with future events. On a whole range of important issues, the Senate has always been blessed with Senators who were able to rise above political parties, and consider first and foremost the national interest. There are many worthy examples throughout the Senate's history.

My friend and former colleague, Senator Mike Mansfield, and other distinguished Members of the Senate understood this point well. Political polarization, a simple zero-sum strategy by one party to achieve a short-lived victory which demonizing the other party, is not now, and has never been, a good thing for the Senate. I know that Americans have always loved a good debate. I believe that this is one of the lessons that we can take from the passage of the Wilderness Act of 1964. Members on both sides of the issue focused on the more substantive and stimulating policy challenges rather than allowing pure politics and imagery to enter into the fray.

The debate on the Wilderness Act of 1964 serves as a great example of the Senate's charge in taking a leadership role and working over the long term to pass historic pieces of legislation. I believe the bill's chief sponsor, Senator Clinton Anderson from New Mexico, understood this point well when he said, upon consideration of the conference report, on August 20, 1964:

> What we have done we have done not only to meet the urgency of the moment, but for the future. In no area has this Congress more decisively served the future well-being of the Nation that in passing legislation to conserve natural resources and to provide the means by which our people could enjoy them. One of the brightest stars in the constellation of conservation measures is the wilderness bill * * *. The path of the wilderness legislation through Congress has sometimes been as rugged as the forests and mountains embraced by the wilderness system.

The Senate understood there was a need to protect America's unique places, and Members worked to craft a proposal over a number of years that could achieve that end. Senator George McGovern, another key supporter of the Wilderness Act, observed:

> I think each of us has been enriched at one time or another through our experiences with natural undisturbed areas of the country * * * its comparatively uncluttered open spaces, its lakes and woods, have special appreciation for the purpose of the wilderness preservation system. As the population of our country grows and as our city areas become more contested, it is all the more imperative that we look to the preservation of great primitive outdoor areas where people can go for recreational and inspirational experience.

The U.S. population has since grown by more than 70 percent since the Wilderness Act of 1964 was enacted. In addition to land preservation, the act has encouraged the discovery of America's history, promoted recreation, provided for its diverse wildlife and ecosystems, and satisfied people's urge for solace and a return to wild places. The definition of wilderness according to the act is ''an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.'' Initially endowed with 9.1 million acres of public lands, the wilderness system today encompasses more than 104 million acres in forty-four States.

My home state of West Virginia remains wild and wonderful because of Congress' actions. Covered from end to end by the ancient Appalachian Mountains, West Virginia remains, to me, one of the most beautiful one of the most unique of all places and I have seen lot of places throughout the world in my time. It is the most southern of the northern States and the most northern of the Southern states; the most eastern of the Western States and the most western of the eastern States; where the east says good morning to the west, and where Yankee Doodle and Dixie kiss each other good night. The luscious mountains gently roll across that land, providing an elegant sense of mystery to the landscape. The wilderness of my State has given West Virginians a freedom to explore. This freedom has been secured and protected so that future generations—like my baby granddaughter, her children, and her children's children—will be able to say Montani Semper Liberi, Mountaineers are always free!

Four wilderness areas have been designated in West Virginia since the 1964 act. Each area captures and preserves uniquely a beautiful aspect of a State that has, I believe, more than its fair share of native loveliness. God must have been in a spendthrift mood when he made West Virginia!

In the Otter Creek Wilderness Area, consisting of 20,000 acres so designated in 1975, you can follow the same twisting trails that early settlers to the area wove through the dense forest. Amid the stands of towering White Oaks, dark hickory, and ghostly poplar trees, you may discover stunted groves of apple trees, remnants of an early settler's orchard. Maybe Johnny Appleseed came that way.

Also designated in 1975, the Dolly Sods Wilderness Area preserves 10,000 acres of Canada that somehow migrated south and chose to settle in West Virginia. Heath thickets, bogs, and low-growing evergreens combine to establish a wide open feeling akin to more northerly climes such as those of Minnesota. Offering scenic vistas, Dolly Sods is a famed spot in which to enjoy hiking, camping, fishing, and nature watching.

The Cranberry Wilderness Area proves the regenerative power of nature. Its 35,864 acres were logged in the early part of this century, with the valuable timber shipped by steam locomotives to a mill in Richwood. It also suffered severe wildfires which raged over much of the area. In order to restore it to its natural condition, the Forest Service purchased the land in 1934—the year I graduated from high school. Now grown into a mature forest, the Cranberry Wilderness Area received its official designation in 1983.

Consisting of more than 12,000 acres, Laurel Fork Wilderness Area was once a profitable source of lumber at the beginning of the century. Laurel Fork has since been preserved and is a source of the Cheat River. Designated in 1983, Laurel Fork Wilderness has a wide blend of wildlife and foliage special to Appalachia. Among the Birch, Beech, and Maple trees which grow in the area, live the native species of West Virginia such as white-tail deer, wild turkey, bobcat, and even black bear.

I might note that perhaps one of the most majestic of wildlife species protected by these wilderness areas throughout the U.S. is the bald eagle. Symbolizing America's freedom and strength, the bald eagle, in fact, has been recently removed from the endangered species list, and will continue to soar for future generations of Americans.

The Wilderness Act of 1964 enabled West Virginians to preserve the natural beauty of their State for themselves and for the nation * * * now and forever. I believe that Senator Anderson summarized it best when he said:

> Deep down inside of most Americans is a love of the out-of-doors. * * * It is an effort to protect and preserve, unspoiled, just a little bit of the vast wilderness which stretched ocean to ocean on this continent less than 300 years ago, so that this love of the great, unspoiled, out-of-doors which is a part of us can be gratified.

I would like to take a moment to recognize a number of former colleagues who took a leadership role in passing the Wilderness Act of 1964. Many of them were fairly close friends of mine. There was Senator Anderson, whose name I have spoken earlier, Thomas

Kuchel, Hubert Humphrey, Henry Jackson, Frank Church, Frank Lausche, Paul Douglas, Harrison Williams, Jennings Randolph—my former colleague from West Virginia—Joseph Clark, William Proxmire, Maurine Neuberger, Lee Metcalf, George McGovern, David Nelson—they took a leadership role in guiding this piece of legislation through the Senate. The Senate has considered many thousands of pieces of legislation on a myriad of topics over the last several years. I am proud to stand here today and say that this piece of legislation, the Wilderness Act of 1964, stands as a great example of what this body can accomplish when it sets its collective mind to it. These were the sponsors of the Wilderness Act in the 88th Congress.

In closing, I want to welcome my colleagues back from the prairies and the plains, the mountains and the hollows and the hills, the broad valleys. We have much work to do in these coming weeks and we can learn much from the Wilderness Act of 1964 and the dedication and commitment of those Senators who worked to fulfill their vision by enacting that great piece of legislation, their vision of a future continent which would be preserved for the men and women who would come after them.

Far too often these days, we get caught up in the partisan wranglings of tax cuts, educational needs, national security demands, Social Security changes, health care reform, and much, much more—all of which subjects are extremely important. The public has become concerned about what it is that we actually do in this Chamber. In reflecting upon the Wilderness Act of 1964, I find a great example of what this body can achieve when it puts its whole mind and its whole spirit into it. Again I thank my colleague for his kindness in inviting me to participate here this afternoon in recalling our footsteps down the long hall of memories.

In closing, I am reminded of the words of one of America's foremost conservationists and outdoorsman, John Muir—

> Oh, these vast, calm, measureless mountain days, inciting at once to work and rest! Days in whose light everything seems equally divine, opening a thousand windows to show us God. Nevermore, however weary, should one faint by the way who gains the blessing of one mountain day: whatever his fate, long life, short life, stormy or calm, he is rich forever. . . . I only went out for a walk, and finally concluded to stay out till sundown, for going out, I found, was going in. One touch of nature . . . makes all the world kin.

I yield the floor.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues in commemorating this impressive anniversary of the Wilderness Act of 1964. Thirty-five years ago, Congress passed this benchmark legislation, which has opened the door for extensive new protections of wilderness areas throughout the nation.

In 1924, the U.S. Forest Service named the Gila National Forest in New Mexico as the first wilderness area. As years passed, it became increasingly clear that a more comprehensive strategy of protection for these priceless areas was needed. Between 1957 and 1964, nine congressional hearings were held, resulting in sixty-six rewrites of the original bill. This enormous amount of attention can be credited to the strong grassroots support for preserving these magnificent resources. As a result, Congress passed the Wilderness Act. It was signed into law by President Lyndon Johnson on September 3, 1964, and established over nine million acres of wilderness areas throughout the country.

The act defined wilderness as ''an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.'' Although sharply restricting human activities in these areas, the Act also paid tribute to a piece of our national identity. To Americans, the wilderness is a place to rediscover what it means to be American. As Supreme Court Justice William O. Douglas once noted, ''Roadless areas are one pledge of freedom.'' From the time of the first settlers, the nation's wilderness areas have been symbols of freedom and human ingenuity that characterize the American dream.

In his classic work, *Wilderness and the American Mind,* Roderick Nash observed the close relationship between our citizens and such areas, stating ''Take away wilderness and you take away the opportunity to be American.'' The Wilderness Act has protected these priceless undeveloped areas, and it has preserved these magnificent resources for our time and for all time.

Since this law was enacted, Congress has created over six hundred wilderness areas, totaling more than one hundred million acres in states across our nation. These are areas that cannot be developed or destroyed, but will retain the original splendor of their natural beauty.

It was a special privilege for me to support the Wilderness Act in 1964, as one of the most far-reaching actions by Congress to preserve our environmental heritage. All of us take pride in the many beautiful areas designated under the Act.

Finally, I commend all those who have done so much to uphold the great tradition of the Wilderness Act, by working in the agencies that are committed to protecting the nation's wilderness. As the act itself so eloquently states, they continue to ''secure for the American people of present and future generations the benefits of an enduring resource of wilderness.''

Mr. INOUYE. Mr President, it is a pleasure to have this opportunity to speak on the 35th anniversary of the Wilderness Act of 1964 and on the establishment of the National Wilderness Preservation System.

When the Wilderness Act was being debated on the Senate floor in 1963, I was a freshman Senator. Following Hawaii's admission to the union in 1959, I served one partial and one full term in the House of Representatives and then was elected to the Senate in 1962. So, in early April of 1963, I was a 39-year-old freshman Senator in the first year of my first term in the Senate.

The Wilderness Act, however, was not new to the Senate when it came to the floor in April 1963. The first wilderness proposal was introduced late in the 84th Congress in 1956. Following extensive hearings, testimony, debate and revisions, a wilderness bill was passed by a wide margin in the Senate on September 6, 1961. However, it was not until my freshman year in the Senate that we passed a wilderness bill that ultimately went on to become law the next year in 1964.

Just prior to the vote in the Senate on April 9, 1963, one of the floor managers of the bill, the Honorable Frank Church of Idaho, said, ''the Senate is about to vote on the question of the passage of a bill which, if enacted into law, will be regarded as one of the great landmarks in the history of conservation.'' You can imagine the effect of such far reaching and nationally significant discourse on a young man from a new state in the middle of the Pacific.

I have been around for a while. Yesterday was my 75th birthday. But I am not so jaded as to have lost sight of the important principles upon which the Wilderness Act was founded.

The bill was ultimately signed into law on September 3, 1964. To me, it seems like just yesterday, but a lot has happened since then. The Wilderness system was originally endowed with 9.1 million acres of national forest lands. In 35 years, that has grown to more than 104 million acres managed by four federal land management agencies.

Hawaii, obviously a very small State, has just 142,370 acres of federally designated wilderness area. This is about 1/10 of 1% of the total designated wilderness area in the country. However, let me tell you about Hawaii's wilderness and other natural areas.

Hawaii is the only State with bona fide tropical rain forest. Although over half of Hawaii's original native rain forest has been lost or replaced by introduced species, planted landscapes, or development, a great deal remains. Perhaps 3/4 of a million acres of rain forest is left in Hawaii.

Rain forest is just the start, however. There are actually about 150 distinct ecosystem types in Hawaii. These ecosystems are so distinctive that the Hawaiian Islands constitute a unique global bio-region. These ecosystems range from 14,000-foot snowy alpine deserts, to subterranean lava tube systems with eyeless creatures, to windswept coastal dunes.

All told, perhaps half of the 150 ecosystem types in Hawaii are considered in trouble, imperilled by human-related changes in the landscape. Most of the loss has occurred along the coasts

and in the lowlands, where the majority of human habitation exists today.

Hawaii is also considered to be the extinction capital of the United States. About 90% of Hawaii's native plants and animals occur nowhere else in the world, and nearly 1000 different kinds of Hawaiian plants and animals are threatened by extinction. Approximately 75% of the recorded extinctions in the United States are from Hawaii. Also, about 40% of the birds and 30% of the plants presently on the U.S. endangered species list are native to Hawaii.

One of Hawaii's federal wilderness areas is the 19,270-acre Haleakala Wilderness Area on the Island of Maui, which was designated in 1976. This area is part of the 28,655-acre Haleakala National Park. During the August recess, I participated in the dedication of 1,500 acres of pristine tropical habitat, which was added to Haleakala National Park thanks to the support of my Congressional colleagues who approved funds last year for its acquisition. So, Haleakala continues to grow.

The major feature of this park is the dormant, though not extinct, Mount Haleakala and its volcanic crater within. Stretching from an elevation of 10,000 feet to the sea, the park also includes unrivaled native forest and stream habitat, and abundant Native Hawaiian historical and cultural features.

The other Federal wilderness area is the 123,100-acre Hawaii Volcanoes Wilderness Area, which is part of the larger 230,000-acre Hawaii Volcanoes National Park on the Big Island of Hawaii. This park, established in 1916, displays the results of 70 million years of volcanism and rises from sea level to the summit of the earth's most massive volcano, Mauna Loa at 13,677 feet.

Within the park is the world's most active volcano, Kilauea, which offers scientists insights into the birth of our planet and visitors views of dramatic volcanic landscapes. Molten lava from the Puù Òò vent, on the flank of Kilauea volcano, flows seven miles through a lava tube to the coast where it enters the ocean, causing the sea to actually boil. Volume of flow averages about 400,000 cubic meters per day continuously adding new land to the island. 1999 is 16th year of this ongoing eruption of Kilauea.

More than just these designated federal wilderness areas, Hawaii has a total of 270,000 acres in the national park system; 35,000 acres in federal fish and wildlife refuges; and 109,000 acres in state natural area reserves. Added to this are other areas managed privately for conservation purposes, including approximately 25,000 acres managed by The Nature Conservancy of Hawaii.

Wilderness is defined in the law as areas ''where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.'' With all of the unique and imperilled species and habitat in Hawaii, I certainly understand the value of protecting our wild and natural areas, whatever the definition might be.

The message that I would like to leave with my colleagues as we think about the 35th anniversary of the Wilderness Act is that we all wish to be environmentalists. We often differ on the details of environmentalism; sometimes greatly. Some of the most impassioned discussions in this body have to do with environmental issues. Some of us do not receive the highest score from the League of Conservation Voters. However, I do not think any of my colleagues would say that environmental conservation is a frivolous pursuit. It is merely a question of degree.

So where does that leave us? I know we will continue to debate so-called anti-environmental riders, the future of the Endangered Species Act, and maybe even reforms to the 35-year-old Wilderness Act. But let us not close our minds to our perceived adversaries, nor lose sight of what I believe we all agree upon.

Our natural environment is a finite resource that needs to be protected and nurtured for generations to come. There are no simple solutions, but with this common goal in mind, we will make progress.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent I be permitted to speak up to 15 minutes as in morning business.

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

EAST TIMOR

Mr. HARKIN. Mr. President, I thank Senator GORTON for permitting me at this time to speak as in morning business before they get on with the important business of the Interior appropriations bill. I want to take this time because I was unable to be here earlier when Senator FEINGOLD, Senator REED, I think, and Senator BOXER spoke on the issue of East Timor. I want to take a few minutes to share with my colleagues what I saw during my recent trip to East Timor with a delegation that included Senator REED of Rhode Island and Congressman MCGOVERN of Massachusetts. We were in East Timor on August 20 and 21, just a little over 2 weeks ago. The purpose of our trip was to assess the conditions in East Timor leading up to the August 30 referendum.

It was a trip that in some ways was uplifting but at the end—I could smell it in the air—I had a foreboding of things to come. On the first day we traveled to the capital of East Timor, Dili and spent the night there. The next day, under the auspices of the United Nations, we took a helicopter to Maliana, and then from Maliana to Suai before returning to Jakarta. What was so uplifting about it was to see so many people willing to risk their lives to be able to vote; people whose homes were burned down, their lives threatened, families threatened, and yet they were going to vote.

When the vote was taken, over 98 percent of those registered came out to vote. Mr. President, 78 percent of the people of East Timor voted for independence and not to stay with Indonesia, a clear-cut victory for independence and, I can say from firsthand meetings with U.N. and U.S. officials as well as with people on the ground in East Timor, that had it not been for the open assaults by the militias and intimidation and threats, that 78 percent probably would have been about 90 percent for independence.

When I left East Timor, Senator REED and Congressman MCGOVERN and I all called on the United Nations to send a peacekeeping force immediately to East Timor, either on the day of the vote or the day after the vote. We all had a sense of what might come if there was not a stable force on the ground to prevent the violence from happening in the first place.

Upon returning to Jakarta, we met an hour and a half with President Habibie of Indonesia, and I will have more to say about that in a minute. We conveyed to him our concerns with the security situation in East Timor. He assured us time and time again in the hour-and-a-half meeting that Indonesia would maintain order in East Timor. I was there with Congressman MCGOVERN and with U.S. Ambassador Roy. President Habibie assured us the Indonesian Army would maintain peace, harmony and law and order after the vote was taken.

My fears of what would happen have been confirmed in the most horrific manner. As we have all witnessed on CNN and in the newspapers over the past several days, the militias have gone on a killing rampage acting on the orders and with the assistance of the Indonesian military and the Indonesian police forces.

I must tell my colleagues, when we were in Maliana, for example, a couple days before we were there, the militias had put on street demonstrations right in front of the U.N. compound armed to the teeth with guns. Amongst these militias were the Indonesian military and the Indonesian police in clear violation of the agreement they had signed with Portugal and the United Nations on May 5, 1999. Every U.N. observer with whom I spoke, every single one without exception, said the militias were backed by and armed by the Indonesian military and that the military and the civilian police were supporting the militias openly.

Now that these militias have gone on a rampage, one must ask, where is the Indonesian military and where is the Indonesian police? The Indonesian military had 10,000 to 15,000 military people there. They could have stopped it. They either chose not to or they are actively supporting this murderous rampage. Either is unacceptable.

They are attacking unarmed civilians. They are rounding up refugees,

putting them in trucks, and trucking them to unknown destinations. They are tearing families apart. Just as we saw in Kosovo, the same thing is happening in East Timor. Husbands are separated from wives, parents separated from their children and carted off in trucks into the back country, and no one knows what is happening to them. The same thing is happening as happened in Kosovo.

When we were in East Timor, we spent an evening with Bishop Belo, the Catholic bishop of East Timor. I will point out a bit of history.

East Timor for the last I think it was 400-some years was under Portuguese domination. About 200 years ago, Portugal formally annexed East Timor. It was a colony of Portugal up to 1975 when Portugal left. Indonesia brutally invaded East Timor in 1975 and annexed it the next year. The United Nations has never recognized Indonesia's annexation of East Timor.

Through the years since then, the East Timorese have suffered mightily. Over 200,000 East Timorese, it is estimated, were brutally slaughtered by the Indonesian military over these years. But they persisted. They persisted in wanting their independence. In 1991, sadly, East Timor got worldwide attention when Indonesian troops opened fire on mourners who were at a funeral for an independence supporter in Dili. It was a big funeral. There were 200 men, women, and children slaughtered by the Indonesian military in 1991.

Through all of this, Bishop Belo, East Timorese by birth and upbringing, ordained a Catholic priest in Portugal, came back to East Timor, elevated by Pope John Paul II to be a bishop.

Two years ago on June 18, Bishop Belo was in Washington and said a mass of peace and reconciliation at St. Peter's Church. A number of us were there that morning. That was the first time I had the occasion to meet Bishop Belo.

Of course, the year before that, in 1996, Bishop Belo and Jose Ramos Horta jointly won the Nobel Peace Prize for their peaceful resistance through the years to the Indonesian takeover of East Timor. A year after that, Bishop Belo was here and said mass at St. Peter's, as I said, and we were there.

It was for me a very touching moment, to spend an evening in Bishop Belo's home in Dili with Senator REED and Congressman MCGOVERN, to have dinner in his home and talk with him about what was happening in East Timor and to hear him pour out his heart about how many people had died and the suffering of the East Timorese people and his hopes and his prayers. We held hands around the table and he led us in a prayer that, regardless of what the outcome of the vote would be, East Timorese would not kill each other and that the Indonesian military would quietly leave.

I am saddened to say that 3 days ago the militias entered the compound of Bishop Belo and burned his house down, the very house in which we had dinner not more than two weeks ago. He was able to escape and is now in Australia.

We sat in Bishop Belo's dining room and saw all the mementos he had. He had a picture of himself shaking hands and being greeted by President Clinton, a bust of President Kennedy that was given to him by Representative PATRICK KENNEDY who visited there a few years ago, a signed picture from President Bush who had met with him, and, of course, his Nobel Peace Prize. Now that house has been reduced to ashes.

There were several thousand East Timorese in his compound being protected by the church. Eyewitnesses saw the militias killing people and some were being put on trucks—this is where the families were separated—and taken out into the countryside.

On Monday, I spoke with Jose Ramos Horta, his corecipient of the Nobel Peace Prize. He said in the 500-year history of East Timor, the church has never been attacked. There have been wars and there has been fighting, but the church has never been attacked. He even said that when the Japanese took over East Timor during World War II they never attacked the church.

As bad as that is, I have an even sadder story to tell.

We went to the community of Suai, which is in the southwestern part of East Timor, because we had heard there were about 1,500 people who had taken up refuge in a church compound. This was now 9 days before the vote. We wanted to go there and see for ourselves. So Senator REED, Congressman MCGOVERN, and I went there.

Truly, there were 1,500 people in this compound.

The buhpati, as he is called, the mayor, the person who runs the city, had cut off the water. It was very hot, and he had cut off the water to these people. Who were these people? These were people who had been driven from their homes because the militias feared that they were going to vote for independence. Men, women, children, families, all gathered in this churchyard, had their water cut off.

Then the U.N. tried to get through a truckload of food. They wouldn't even let the food get through. The two priests who were protecting these people were Father Hilario and Father Francisco. This is a picture I had taken with them at the church compound. Father Hilario and Father Francisco, two of the nicest individuals you ever want to meet, both Catholic priests, only doing their job protecting people. They weren't speaking out for independence or anything like that. They were simply doing their job as the parish priests.

I learned this morning that yesterday the militias entered their house, took these two priests out and killed them, 2 weeks after we saw them. Unarmed, they were. Militias took them out and brutally killed them. That is what is happening in East Timor today.

We have a responsibility that goes back 23 years. When Indonesia first invaded East Timor in 1975, the United States took the position that we supported Indonesia. I was at that time a Member of the House of Representatives and, with other Members of the House, introduced a resolution condemning Indonesia for their brutal invasion of East Timor at that time. In the years that followed, hundreds of thousands, almost 200,000 East Timorese lost their lives to the brutality of the Indonesian military. Through it all, they maintained their cohesion. They maintained their peaceful resistance. On August 30, 98 percent of the registered voters came out to vote in the face of machetes and bullets and threats. Despite being driven from their homes and having their homes burned down; they voted 78 percent for independence.

If we stand for anything, we should stand for the right of self-determination and independence when people exercise their right to vote. That is what we stand for as Americans. That is our philosophical foundation.

It was a free and fair vote, even though the militias were intimidating people.

I ask unanimous consent for 5 more minutes.

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

Mr. HARKIN. It seems to me that for the bastion of democracy, those of us in this country who believe so deeply in the right of the secret ballot, the right of people to be able to vote for their futures, to see this happen and for us to stand back and do nothing is shameful. We ought to be on the front lines of asking the United Nations to go in there with a peacekeeping force now.

I had asked the United Nations and the Clinton administration to put pressure on the U.N. to send a peacekeeping force to East Timor on the day of the vote or the day after the vote. If we had done that, we wouldn't have had these killings that have gone on. We could have had a little bit of preventive action. But, no, we didn't do it. We said we had to wait until the Indonesians asked us to come in. It is clear that the Government of Indonesia is not going to keep law and order there. It is clear from every eyewitness account we have that the Indonesian military is behind the militias and their brutal attacks on innocent civilians. So now it is incumbent upon the world community to answer the call to go to East Timor to restore peace and stability.

I will shortly be introducing a resolution to that effect that basically congratulates the East Timorese on their vote, condemns the violence, and calls upon our U.N. Ambassador to seek the United Nations Security Council's immediate authorization to deploy an international force to East Timor to restore peace and stability.

Already Australia, New Zealand, Bangladesh, Thailand, Pakistan, Malaysia, and the Philippines have all said they will contribute forces. Today, we learned that China has basically said they are open minded on this issue. Well, now is the time for the United States to take some leadership.

I call upon President Clinton to be forceful in calling upon the United Nations to send an international force immediately to East Timor, and we should contribute to this force. We should not shirk our responsibilities in this matter either.

To do nothing now would be to fly in the face of everything for which this great country stands for. We were one of those actively encouraging the Indonesians, the Portuguese, the United Nations, and the East Timorese to reach this agreement to allow this vote. We supplied funding and observers for the vote. The Carter Center was actively involved in East Timor, ensuring it would be a free and fair vote and counting the ballots. If we now walk away, if we now say, well, we can't do anything unless Indonesia invites us in to a place that they annexed with brutal force 23 years ago then we are less of an America than we have been in the past.

I am deeply saddened by the death of these two priests. I didn't know them well, but I spent some time with them, spoke with them, asked them about what they were doing, asked them about the conditions in their parishes. They were gentle souls just doing their job as shepherds of their flocks, yet taken out and brutally murdered.

Lastly, I understand that by tomorrow, the United Nations will remove the 212 people they have there now. I am again asking the President to call upon Kofi Annan, Secretary General of the United Nations, to not pull out our U.N. people who are there. If we do, we will have no eyes and no ears; we will have no presence at all in East Timor, and the killing rampages we have witnessed over the last several days will only mushroom.

I hope the U.N. will keep its people there. I hope the United States will put every ounce of our leadership behind the United Nations to send an international force there within the next 48 hours. If we do, we can save thousands of lives. And we can restore peace and stability. We can tell the rest of the world that when you have a free and fair and open election under U.N. auspices, we are not going to let thugs and murderers take it away from you. That is the kind of America I think we ought to be.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Washington.

Mr. GORTON. Mr. President, what is the business before the Senate?

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative assistant read as follows:

A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Gorton amendment No. 1359, of a technical nature.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, debate on the Interior appropriations bill took place on two separate occasions before the August recess. Two significant amendments have already been voted upon. We now have a unanimous consent agreement for listing all of the amendments that are in order, and they are 66 in number.

A substantial share, perhaps 20 or more of those amendments, will either be accepted or will be a part of one omnibus managers' amendment at the end of this debate. I suspect several others will not actually be brought up for discussion in the Senate, but it seems apparent to this Senator, as manager of the bill, that as many as a dozen may require some amount of debate and very likely a vote.

Up to four of those amendments are amendments that were included as a part of the bill as it was reported by the Subcommittee on Interior appropriations and by the full Appropriations Committee, which fell under the revised rule XVI. One of those is an amendment originally drafted by the Senator from Missouri. He will bring it up at this point.

I have asked the Democratic manager, Senator BYRD, to get me a list of amendments that Members of his party wish to bring up. He is in the process of doing that at the moment. But this is an announcement that we are now open and ready for business. It may be that we will, from time to time, set amendments aside so we can hear debate on others. The majority leader may decide to stack votes on some of these amendments. But this is a very short week. We are starting this at 4 o'clock on Wednesday afternoon. We have all day and into the evening tomorrow for these debates. The majority leader has announced, due to the Jewish holiday, that there will be no votes on Friday. I hope we will have made substantial progress on the bill by the end of tomorrow's session of the Senate. That is possible, of course, only if Members on both sides—both Republicans and Democrats—are willing to bring their amendments to the floor.

The one other amendment I have discussed seriously at this point is one by the Senator from Wyoming, Mr. ENZI, and the Senator from Florida, Mr. GRAHAM, on gambling. That amendment is ready to be accepted. Now I see two Members on the floor. If the Senator from Florida—who was told he could go first—would like to bring his amendment up now and submit the rest of the various statements on it, I understand the amendment will be accepted in relatively short order. Is my understanding correct?

Mr. GRAHAM. That is my understanding, and we are prepared to proceed with our amendment.

Mr. GORTON. Then I yield the floor and suggest the Senator from Florida seek to be recognized.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Kasey Gillette of our staff have floor privileges for the duration of the consideration of the Interior appropriations bill.

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

Mr. GRAHAM. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

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

AMENDMENT NO. 1577

(Purpose: To prohibit the Secretary of the Interior from implementing class III gaming procedures without State approval)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. ENZI, Mr. BRYAN, Mr. REID, Mr. VOINOVICH, Mr. GRAMS, Mr. LUGAR, Mr. SESSIONS, and Mr. BAYH, proposes an amendment numbered 1577.

At the appropriate place, insert the following:

SEC. . PROHIBITION ON CLASS III GAMING PROCEDURES.

No funds made available under this Act may be expended to implement the final rule published on April 12, 1999, at 64 Fed. Reg. 17535.

Mr. GRAHAM. Mr. President, this amendment, which has been cosponsored by Senators ENZI, BRYAN, REID, VOINOVICH, GRAMS of Minnesota, LUGAR, SESSIONS, and BAYH, has been before the Senate on several previous occasions. It essentially goes to the issue of what will be the process to determine whether on Indian properties there shall be allowed class III gambling. Class III gambling is the type of gambling that occurs in Las Vegas and Atlantic City. It is what we would characterize as casino gambling. Currently, for that gambling to occur, there has to be a compact entered into between the representatives of the Indian tribe and the Governor of the State in which the proposed casino would be located. This is all part of the Indian Gaming Act passed by the Congress in the past.

The Secretary of the Interior, earlier this year, on April 12, issued a regulation that essentially said if he determined the States were not negotiating

on these compacts in good faith, then he could remove that power from the States, and the Secretary of the Interior would decide whether there should be class III gambling under the aegis of Indian tribes.

I personally think that is a very bad idea. It disrupts the basic principle of federalism, the responsibility which this Congress has placed with the States and the tribes to reach an agreement.

In my own State of Florida, we have a prohibition in our constitution against casino gambling. Three times since 1978 there have been attempts to amend the constitution and change that provision, and each time they have been overwhelmingly defeated. This would have the effect of overturning three constitutional expressions of opinion by the people of Florida, and similar expressions of opinion by citizens of other States, to have the Secretary of the Department of the Interior insert his or her will as to casino gambling within that State.

At this time, unless there is further debate, I will yield my time. We will not necessarily ask for a rollcall vote on this matter if it can, as in the past, be resolved by a voice vote.

I thank the Chair.

Mr. ENZI. Mr. President, I rise in support of the amendment introduced by the Senator from Florida, Mr. GRAHAM. This amendment has one very simple purpose: To ensure that the rights of Congress and all fifty states are not trampled on by an unelected cabinet official.

This amendment is very straightforward: it prohibits Secretary Babbitt from expending any funds from this act to implement the final regulations he published on April 12 of this year. The regulations at issue would allow Secretary Babbitt to circumvent the rights of individual states by approving casino-style gambling on Indian Tribal lands. This amendment would prohibit this power grab.

Mr. President, this is the fifth time in two years that I have been involved in amendments of this nature. I myself have offered four previous amendments to stop this power grab by the Secretary of the Interior, and four times this Senate has approved these amendments by voice votes. I think this body has spoken with a clear voice that it does not believe an unelected cabinet official should bypass Congress and all fifty states in a decision as great as whether or not casino gambling should allowed within the state borders.

Mr. President, recently I was invited to testify before the Indian Affairs committee on a bill Senator CAMPBELL has introduced to amend the statute that governs gambling on Indian Tribal lands, the Indian Gaming Regulatory Act. While I do not agree with all the changes Senator CAMPBELL has proposed to IGRA, I applaud the Chairman for taking the initiative to attempt to make changes the proper way—by proposing a bill, holding hearings, receiving public input from all the stakeholders, and moving the legislation through both houses of Congress. I have a few ideas on how I believe the bill could be improved, and I welcome the invitation of Senator CAMPBELL to offer some suggestions to his bill.

In contrast to this legislative process—the proper way to make changes to substantive law—Secretary Babbitt wants to make changes by administrative fiat. His regulations are a slap in the face to the governments of all fifty states, to Congress, and to all the Indian Tribes that have negotiated Tribal-State compacts with the States in which they are located. The Secretary's rules effectively punish those tribes which have played by the rules. The Secretary's action will open the floodgates to an approval process based more on political influence than on proper negotiations between the states and the tribes. Who will be the winners under Secretary Babbitt's new regime? Will it be the Tribes that donate enough money to the right political party? In contrast to the Secretary's rules, the Graham-Enzi amendment would ensure that an unelected Secretary of the Interior won't single-handedly change current law. This amendment will ensure that any change to IGRA is done the right way—legislatively.

I have already had occasion on this floor to remark on the painful irony of the timing of Secretary Babbitt's power grab. In March of last year, Attorney General Janet Reno requested an independent counsel to investigate Secretary Babbitt's involvement in denying a tribal-state gambling license to an Indian Tribe in Wisconsin. Although we will have to wait for Independent Counsel Carol Elder Bruce to complete her investigation before any final conclusions can be drawn, it is evident that serious questions have been raised about Secretary Babbitt's judgment and objectivity in approving Indian gambling compacts. We should not turn over sole discretion of casino gambling on Indian Tribal lands to an individual who has shown such carelessness in administering his trust responsibilities to all the Indian Tribes within his jurisdiction.

The very fact that Attorney General Reno believed there was specific and credible evidence to warrant an investigation should be sufficient to make this Congress hesitant to allow Secretary Babbitt to grant himself new trust powers that are designed to bypass the states in the area of Tribal-State gambling compacts. Moreover, this investigation should have taught us an important lesson: we in Congress should not allow Secretary Babbitt, or any other Secretary of the Interior, to usurp the rightful role of Congress and the states in addressing the difficult question of casino gambling on Indian Tribal lands.

Mr. President, the Secretary has not given any indication in the 16 months since the independent counsel was appointed that he should be trusted with new, self-appointed trust responsibilities over Indian Tribes. On February 22nd of this year, United States District Judge Royce Lamberth issued a contempt citation against Secretary Bruce Babbitt and Assistant Secretary of the Interior for Indian Affairs, Kevin Gover, for disobeying the Court's orders in a trial in which the Interior Department and the Bureau of Indian Affairs were sued for mismanagement of American Indian trust funds.

In his contempt citation, Judge Lamberth stated, and I quote,

> The court is deeply disappointed that any litigant would fail to obey orders for production of documents, and then conceal and cover up that disobedience with outright false statements that the court then relied upon. But when that litigant is the federal government, the misconduct is even more troubling. I have never seen more egregious misconduct by the federal government.

This conduct has raised such concern that both the Chairman of the Senate Indian Affairs Committee and the Chairman of Senate the Energy and Natural Resources Committee have held hearings and proposed legislation to call Secretary Babbitt to task for his mismanagement of these funds and his disregard for the rulings of a federal court. The Secretary's continued violation of his trust obligations to Indian Tribes should serve as a wake-up call to all of us in the Senate. This is not the time to allow the Secretary to delegate to himself new, unauthorized, powers.

I want to point out that this amendment does not affect any existing Tribal-State compacts. The amendment does not, in any way, prevent states and Tribes from entering into compacts where both parties are willing to agree on class III gambling on Tribal lands within a State's borders. This amendment does ensure that all stakeholders must be involved in the process—Congress, the Tribes, the States, and the Administration.

Mr. President, a few short years ago, the big casinos thought Wyoming would be a good place to gamble. The casinos gambled on it. They spent a lot of money. The even got an initiative on the ballot. They spent a lot more money trying to get the initiative passed. I became the spokesman for the opposition. When we first got our meager organization together, the polls showed over 60 percent of the people were in favor of gambling. When the election was held casino gambling lost by over 62 percent—and it lost in every single county of our state. The 40 point swing in public opinion happened as people came to understand the issue and implications of casino gambling in Wyoming. That's a pretty solid message. We don't want casino gambling in Wyoming. The people who vote in my state have debated it and made their choice. Any federal bureaucracy that tries to force casino gambling on us will only inject animosity.

Why did we have that decisive of a vote? We used a couple of our neighboring states to review the effects of

their limited casino gambling. We found that a few people make an awful lot of money at the expense of everyone else. When casino gambling comes into a state, communities are changed forever. And everyone agrees there are costs to the state. There are material costs, with a need for new law enforcement and public services. Worse yet, there are social costs. And, not only is gambling addictive to some folks, but once it is instituted, the revenues can be addictive too. But I'm not here to debate the pros and cons of gambling. I am just trying to maintain the status quo so we can develop a legislative solution, rather than have a bureaucratic mandate.

Mr. President, the rationale behind this amendment is simple. Society as a whole bears the burden of the effects of gambling. A state's law enforcement, social services, communities, and families are seriously impacted by the expansion of casino gambling on Indian Tribal lands. Therefore, a state's popularly elected representatives should have a say in the decision about whether or not to allow casino gambling on Indian lands. This decision should not be made unilaterally by an unelected cabinet official. Passing the Graham-Enzi amendment will keep all the interested parties at the bargaining table. By keeping all the parties at the table, the Indian Affairs Committee will have the time it needs to hear all the sides and work on legislation to fix any problems that exist in the current system. I urge my colleagues to stand up for the constitutional role of Congress—and for the rights of all fifty states—by supporting this amendment.

I thank the chair and yield the floor.

Mr. GORTON. Mr. President, I understand that the Senator from Hawaii, Mr. INOUYE, may wish the opportunity to speak, and perhaps more likely will wish the opportunity to put a statement in the RECORD. I don't believe that affects the proposition that the amendment will be accepted by voice vote. But I ask that we not take that voice vote at this time, until we are apprised of the desires of the Senator from Hawaii.

Under the circumstances, the Senator from Missouri being here, I ask unanimous consent that he be recognized and that we set this amendment aside to deal with another.

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

The Senator from Missouri is recognized.

AMENDMENT NO. 1621

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. LOTT, proposes an amendment numbered 1621.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 62, line 10, add the following before the period ":*Provided*, That within the funds available, $250,000 shall be used to assess the potential hydrologic and biological impact of lead and zinc mining in the Mark Twain National Forest of Southern Missouri: *Provided further*, That none of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of enactment of this Act): *Provided further*, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714)"

Mr. BOND. Mr. President, this amendment, as the manager has already stated, deals with a matter that was approved in the committee and was taken out by a procedural move. The amendment requires a study of mining in the Mark Twain National Forest in south-central and southeast Missouri. It requires that it be conducted to address the scientific gaps identified by scientists in the Departments of the Interior, Agriculture, and others.

While the relevant information is collected, the amendment delays any prospecting or withdrawal decisions for the fiscal year.

This amendment is a commonsense amendment. It is a modern amendment. It enables the full-blown process to go forward before any decisions are made.

This amendment does not permit mining. It does not permit exploration. It does not amend, weaken, or touch environmental standards.

It prohibits exploration and withdrawal. It requires a scientific study of the scientific gaps identified by the agencies. It maintains the NEPA requirement for full-blown environmental impact statements which any withdrawal by the Secretary would preclude.

This amendment preserves, as I said, the requirement of the full-blown NEPA process. And a full-blown impact statement will ultimately dictate whether any mining should or should not take place if an application is made, if there are deposits of lead discovered.

By the time any mining could take place, Senator THURMOND might be the only Senator remaining in this Chamber.

The amendment does not give miners their way who want clearance for prospecting now.

It does not give the zero-growth opponents their way. Contrary to precedent and current law, they want no economic activity on these public lands which are multiple-use lands in the State of Missouri.

Anyone who understands this issue understands that bulldozers are not ready to roll, nor should they be. They don't even know yet what lead might be available. There are too many unanswered questions to make a final decision. Regrettably, some on the extreme want to preclude an opportunity to answer those questions.

The fundamental question that this amendment addresses is whether someday, if we were to find lead in those areas, additional lead could be mined safely in the State of Missouri. That is a critical question and that is one that should be answered by the scientists.

We are not here to legislate a decision and it should not be hijacked by administrative decree.

Some suggest that we know enough already to make what would be a permanent decision for the 1,800 miners who are under the gun for the 10 counties in south Missouri that depend upon this mining. They say we know enough already to prevent any further mining in an area which has 90 percent of the domestic lead deposits. So we would export lead production overseas.

This past month I met with the bipartisan county commissioners, Democrats and Republicans, who are elected by and responsible to the people in the counties they serve. They make up the Scenic Rivers Watershed Partnership. They are closest to the issue. They have the most at stake. They are the ones who represent the recreational interests. They are the ones who represent the timber interests. They represent the forest interests. They represent the interests of schools and roads which depend upon the royalties that come from mining. And they support this amendment. They said we must have a full-blown study.

There is a technical team that has been set up.

A multiagency technical team was established in 1988. It has the USDA Forest Service, the National Park Service, EPA, U.S. Geological Survey Water Resources Division and the Geologic Division, the Mineral Resources Division, the Mapping Division, the Missouri Department of Natural Resources, and the Department of Conservation. It has the private companies involved; it has the University of Missouri, Rolla; and it has the U.S. Fish and Wildlife Service.

What do these scientists and engineers who have begun the study say?

First, they say:

The technical team believes that there is insufficient scientific information available to determine the potential environmental impact of lead mining in the Mark Twain National Forest area. This is a consensus opinion that the technical team has held from the beginning through the present. Due to the lack of scientific information available to assess the potential impacts of lead mining, the technical team proposed that a comprehensive study be conducted.

That is contained in a letter to me dated July 30, 1999, from Charles G. Groat, Director of the U.S. Geological Survey, the Office of the Director, the

U.S. Department of the Interior in Reston, VA.

I ask unanimous consent that a copy of this letter 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,
U.S. GEOLOGICAL SURVEY,
Reston, Virginia, July 30, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: This is in response to your letter of July 20, 1999, to Mr. Jim Barks, related to mining in the Mark Twain National Forest (MTNF) area. In your letter, you ask that we provide a brief and clear assessment as to the quality of information that was compiled by the interagency technical team charged with building a ''relevant database to assess mining impacts and base future decisions.'' You ask that we, ''specifically address the question as to the adequacy and relevance of information currently available to provide a solid scientific foundation for any decision to justify either withdrawal or mining in the region.''

In 1988, an interagency technical team was assembled to guide the identification, collection, and dissemination of scientific information needed to assess the potential environmental impact of lead mining in the MTNF area. Since 1989, the team has been chaired by Bob Willis of the Forest Service. The U.S. Geological Survey (USGS) has actively participated on the team from the beginning, with Mr. James H. Barks, USGS Missouri State Representative, serving as our representative.

The technical team believes that there is insufficient scientific information available to determine the potential environmental impact of lead mining in the MTNF area. This is a consensus opinion that the technical team has held from the beginning through the present. Due to the lack of scientific information available to assess the potential impacts of lead mining, the technical team proposed that a comprehensive study be conducted.

In January 1998 at the request of the technical team, the USGS prepared a proposal for a multi-component scientific study to address the primary questions about the potential environmental impacts of lead mining in the MTNF area. Mr. Barks provided a copy of the proposed study to Brian Klippenstein of your staff at his request on July 9, 1999. Neither a requirement for full environmental review to support a Secretarial decision nor a source of funding has been established. For these reasons the proposed study has not been initiated.

Please let us know if we can provide additional information or assistance.

Sincerely,

CHARLES G. GROAT,
Director.

Mr. BOND. Mr. President, there is further backup and supportive information that I can provide. But, in summary, my amendment provides the money for the research that the technical team says it needs, and it preserves the current rigorous environmental process which will take years to complete. If lead is discovered, if it is economically viable, and if the company decides to develop a mining plan and apply for mineral production, then the whole process will have to start.

To vote for this amendment is to vote to let the scientists get what they say is necessary to make an informed decision, and it is a consensus of all of those agencies I outlined that they don't have the information. I think it is also a strong consensus of all the agencies that we must protect the environmental resources of the region.

As one who has floated and fished on the streams in the Mark Twain National Forest, I can tell you that it is a real gem. I flew over much of the area and I visited on foot much of the area in the last month. I can tell you that it is a beautiful wilderness. But it is a multiple-use area. It is used for recreation; it is used for timber; it is used for mining. We flew over some 160 exploratory drilling sites. But you don't see them because they grow back. As a matter of fact, I had my picture taken in one of the exploratory sites.

There is an exploratory site 2 years after the exploration stopped. It is growing back. In another few years you won't even be able to tell it is there.

That is why the scientists said that exploratory drilling has no impact. So it is not even an issue. It has no environmental impact. That is not a problem.

There are those who do not live in the area who say that no economic use can be made. But I believe that for the good of the country, for the good of the area, to satisfy our needs, to provide the work for 1,800 miners in the area, to provide the support for the schools, for the communities, for the roads and infrastructure in the area, we must follow the long established, rigorous evaluation process designed to allow environmentally acceptable activities and prohibit those that would be adverse to the environment.

If you listen to the scientists, as we have, you know that it takes more information than is currently available to make that determination. These questions deserve to be answered before we mine, or before we slam the door in the face of the regions' residents and force our country to become exclusively reliant on foreign sources of this vital mineral.

I urge my colleagues to support this measure. It is a commonsense amendment.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1577

Mr. CAMPBELL. Mr. President, I was off the floor. What is the pending business? Are we going back to the Graham amendment now?

The PRESIDING OFFICER. We are now on Senator BOND's amendment. We left the Graham amendment.

Mr. CAMPBELL. I ask unanimous consent to return to the Graham amendment so that I may speak in opposition to it for a minute.

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

The Senator from Colorado is recognized.

Mr. CAMPBELL. Thank you, Mr. President.

I don't think anyone has more disagreement with Secretary Babbitt than I do as chairman of the Indian Affairs Committee. Certainly Indian trust funds have been an issue on which we have been at odds for literally months with the Secretary. In addition to that, as a member of the Energy Committee, I have had my disagreements with him on grazing, water, and many other things, too. But there are at least four reasons to oppose this amendment.

I hope my friend, the Senator from Florida, will consider withdrawing it.

First, after the Supreme Court decided in Seminole v. Florida that Indian tribes cannot sue States for unwillingness to negotiate Indian gaming agreements, it created a terrific problem, as many Members know. We have spent a considerable amount of time in our committee, with me as the chairman of that Committee on Indian Affairs, looking for ways that States and tribes can come to some consensus.

We have a pending bill, S. 985. We have worked on it very hard. We want the legislative process to proceed. The Indian Gaming Regulatory Act requires tribes to have compacts before they can operate class III gaming. Right now, unfortunately, the States hold all the cards since the court decided the States do not have to negotiate in good faith.

The Secretary of the Interior is now in Federal court over his ability to issue the kind of procedures that this amendment seeks to stop. As the Senator from Florida probably knows, these procedures can only be put into effect if they are published in the Federal Register. The States of Alabama and Florida have sued the Secretary of the Interior if this case moves ahead in the courts. It is in the interest of all parties, States and tribes, for the United States to allow the courts to decide once and for all if the Secretary has this authority.

I point out, the House has already rejected a similar amendment. I have a letter dated August 2 from the Secretary of the Interior. I ask unanimous consent that the letter be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington, DC, August 2, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: As you know, a floor amendment has been submitted for intended action on the FY 2000 Interior appropriations bill which would preclude the Department from expending any funds to implement the Indian gaming regulation published in the Federal Register on April 12, 1999. The question of our authority to promulgate that regulation is in litigation in the Northern District of Florida in a case brought by the States of Florida and Alabama. I urge you to oppose the amendments in recognition of the fact that the matter is now in the courts, and we have agreed to refrain from implementing the regulation in any specific case until the federal district court has an opportunity to rule on the merits of the legal issues. We believe that this matter is best dealt with by the courts and we are eager for a judicial resolution.

The regulation will have narrow application. It applies, by its terms, only (1) when an Indian Tribe and a State have failed to reach voluntary agreement on a tribal-state gaming compact; and (2) when a State successfully asserts its Eleventh Amendment immunity from a tribal lawsuit and thus avoids the mediation process expressly provided in the Indian Gaming Regulatory Act. The regulation will be implemented on a case-by-case basis, controlled by the facts and law applicable to each situation. As noted above, we are already in litigation in federal court in Florida over the lawfulness of the regulation.

In a letter dated May 11, 1999, I explained our concern that we do not think a legal challenge to the regulation is ''ripe'' for adjudication until the Department had actually issued ''procedures'' under it. Since that time, we have sought to dismiss a legal challenge on ripeness grounds. We intend to go forward with processing tribal applications under our regulation and to issue ''procedures'' if they are warranted. It is important to note that any such ''procedures'' become affective only when published in the Federal Register. As noted above, we have agreed to refrain from publishing any procedures until the federal district court has an opportunity to rule on the merits of the legal issues.

The House of Representatives rejected an amendment that would have precluded implementation of the rule and I hope that the full Senate will do the same. As you know, in the past, I have recommended that the President veto legislation containing similar provisions.

Thank you for your assistance on this important matter.

Sincerely,

BRUCE BABBITT.

Mr. CAMPBELL. In that letter, the Secretary indicates the final rule will not be implemented and no tribal agreements will be authorized until the courts decide the real issue of whether he has authority to issue these procedures. That may take several years.

I ask the legislative process proceed and we not short circuit it with this amendment. I ask the Senator from Florida to withdraw that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise today in support of the amendment offered by the distinguished Senators from Florida and Wyoming, Mr. GRAHAM and Mr. ENZI. This is an amendment that prevents the Interior Department from implementing new regulations that seriously threaten the rights of States to regulate gaming activities within their borders.

This amendment reinstates the prohibition on the Secretary of the Interior, which expired on March 31, from approving casino gaming on Indian land in the absence of a tribal-State compact. A similar provision was adopted unanimously by the Senate as part of the fiscal year 1998 Interior appropriations bill as well as the fiscal year 1999 omnibus appropriations bill.

As many of my colleagues are aware, the Indian Gaming Regulatory Act enacted in 1988 divides Indian gaming into three categories. The amendment offered for consideration on the Senate floor today addresses the conduct of class III gaming; that is, casino gaming, slot machines, video poker, and other casino-type games.

Under IGRA, the Congress very clearly intended to authorize Indian tribes to enjoy and to participate in gaming activities within their respective States to the same extent as a matter of public policy that the State confers gaming opportunities generally to the State.

There are two clear extremes. In one case, we have the States of Utah and Hawaii. Those are the only two of the 50 States that I am aware of that permit no form of Indian gaming. It is very clear that because those two States as a matter of public policy confer no gaming opportunities upon its citizenry, Indian tribes in Utah and Hawaii have no ability to conduct gaming activities within the class III description, the so-called casino-type games.

Equally clear at the other end of the spectrum is my home State of Nevada. Nevada has embraced casino gaming since 1931. It is equally clear in Nevada law that the Indian tribes in my own State are entitled to a full range of casino gaming. Indeed, compacts have been introduced to accomplish that purpose.

Under IGRA, the class III gaming activity is lawful on Indian lands only if three conditions are made:

No. 1, there is an authorized ordinance adopted by the governing body of a tribe and approved by the Chairman of the National Gaming Indian Commission;

No. 2, located in a State that permits such gaming for any purpose by any person, organization, or entity—I want to return to that because that is the key here—located in a State that permits such gaming for any purpose by any person, organization, or entity.

No. 3, are conducted in conformance with a tribal-State compact.

As I know the distinguished occupant of the Chair fully understands, the implementation of IGRA requires that compact be negotiated and entered into between the Governor of the State and the tribe within that State that is seeking to conduct class III activity. When IGRA was enacted in 1988, Congress was careful to create a balance between State and tribal interests. One of the fundamental precepts of IGRA is that States and tribes must negotiate agreements or compacts that delineate the scope of permissible gaming activities available to the tribes. Again, the intent of IGRA is clear and I support its concept. Very simply stated: To the extent that a State authorizes certain gaming activity as a matter of public policy within the boundaries of that State, Indian tribes located within that State should have the same opportunity. There is no fundamental disagreement about that.

However, a situation has arisen in a number of States in which Indian tribes have tried to force Governors to negotiate extended gaming activities that are not authorized or permitted by law within that State; for example, a State that may authorize only a lottery might be pressed by a tribe to permit slot machines—clearly something that IGRA did not contemplate. It is in that area that we have had some very serious disagreements.

The new Interior Department regulations destroy the compromise that is reflected in IGRA. It is in my view a blatant attempt by the Secretary to rewrite the law without congressional approval. The rule that has been promulgated allows the Secretary to prescribe ''procedures'' which the Interior Department characterizes as a legal substitute for a tribal-State compact, in the event a State asserts an 11th amendment sovereign immunity defense to a suit brought by a tribe claiming a State has not negotiated in good faith.

The effect of this rule for all intents and purposes nullifies the State's constitutionally guaranteed sovereign immunity by allowing the Secretary of the Interior to become a substitute Federal court that can hear the dispute brought by the tribe against the State. Ironically, the new rule permits a tribe to sue based on any stalemate brought about by its own unreasonable demands on the State, such as insisting on gaming activities that violate that State's law.

I support this amendment because I believe, as do the Governors and the States Attorney General, that the Secretary does not possess the legal authority he has sought to grant to himself under this rule, and that statutory modifications to IGRA are necessary in order to resolve a State's sovereign immunity claim.

In a letter to the majority leader and the Democratic leader, the Nation's Governors stated they strongly believe that no statute or court decision provides the Secretary of the U.S. Department of Interior with the authority to intervene in disputes over compacts between Indian tribes and States about casino gambling on Indian lands. In light of this strongly held view, the States of Florida and Alabama have already filed suit against the Secretary to declare the new rule ultra vires.

The most troubling aspect of the new rule is that the Secretary of the Interior grants himself the sole authority to provide for casino gaming on Indian lands in the absence of the tribal-State compact.

As a former Governor, I appreciate the States' concern with the inherent conflict of interest of the Secretary in resolving a major public policy issue between a State and Indian tribe while also maintaining his overall trust responsibility to the tribe.

I ask my colleagues to consider the Secretary of the Interior would in effect be the arbiter where a dispute arose between the tribe and the Governor in which the tribe was asserting a claim to have more gaming activity than is lawfully permitted in the State. The Secretary of the Interior, who

holds a trust responsibility to the tribe, would in effect be making the determination in that State as to what kind of gaming activity would be permitted. I cannot imagine something that is a more flagrant violation of a State's sovereignty and its ability, as a matter of public policy, to circumscribe the type of gaming activity permitted. The States have asserted a wide variety of these. Some States, as I indicated earlier, provide for no gaming activity at all. Others provide for a full range of casino gaming, as does my own State. Other States permit lotteries. Still others authorize certain types of card games. Others permit a variation of horse or dogtrack racing, both on- and off-track.

So a State faces the real possibility, under this rule, if it is not invalidated—and I believe legally it has no force and effect, but we want to make sure this amendment prohibits the attempt of the Secretary to implement it—in effect, the Secretary of the Interior would have the ability to set public policy among the respective States as to what type of gaming activities could occur on Indian reservations within those States. We are talking now about class III casino gaming. Even though a State Governor and the legislature and the people of that State may have determined, as a matter of public policy, that they want a very limited form of gaming—a lottery or racetrack betting at the track as opposed to off-track—the Secretary would have the ability, when a tribe asserted more than the State's law permitted, to, in effect, resolve that. I cannot think of anything that is more violative of a fundamental States rights issue in terms of its sovereignty and its ability as a matter of public policy to make that determination.

I agree with many of my colleagues that statutory changes to IGRA are in order, in light of recent court decisions. I am hopeful that Congress will see fit to reassert its lawmaking authority in this area by reexamining IGRA, rather than sitting on the sidelines while the Secretary of the Interior performs that task.

But, in the meantime, it is imperative that the Congress prohibit the Secretary from approving class III gaming procedures without State approval. For that reason, I urge my colleagues to support the carefully crafted amendment by my colleague from Florida, Senator GRAHAM, and Senator ENZI from Wyoming—an amendment to preserve the role for States in the conduct of gaming on Indian lands.

It is fair, it is balanced, and it is reasonable. It is consistent with the overall intent of IGRA, which was adopted in 1988 by the Congress, to permit class III gaming activities when the three conditions which I have enumerated are met, ultimately with a compact negotiated by the Governor and the tribe within that State. In the absence of such an agreement, the Secretary of the Interior must not be allowed to determine that State's public policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is still the opinion of the managers that this amendment is likely to be accepted by voice vote. We still haven't directly heard from the Senator from Hawaii, however, who may be nearby. I hope when he finishes we can cast such a vote.

We have heard, on the other hand, the senior Senator from Illinois wishes to speak against the Lott amendment proposed for him by Senator BOND and will ask for a vote on that. So we will await his presence and his speech on that subject before there is any attempt to bring that amendment to a vote. But for all other Members with the other 64 amendments, now that we have started to deal with two of them, we would certainly appreciate their coming to the floor and showing a willingness to debate. The Democratic manager, Senator BYRD, and I are certainly going to be happy to grant unanimous consent to move off of one amendment and onto another, I am sure, to keep the debate going with the hope of making progress on the bill.

With that, however, I yield the floor.

Mr. BYRD. Mr. President, I join with my distinguished colleague, the manager of the bill, in urging Senators to come to the floor and debate these amendments. It is my understanding, as it is his, that the distinguished Senator from Illinois, Mr. DURBIN, wishes to speak against the amendment by the distinguished Senator from Missouri, Mr. BOND, and he will certainly have that opportunity.

I trust the offices of Senators—I am sure they are watching and listening—will pass on to the respective Senators this urgent message that we are trying to state here, that we are here, we are here to discuss amendments, debate them, agree to them, vote them down, vote them up, amend them further, or whatever. But Senators need to come to the floor and make their wishes known so that this valuable time will not be lost. So I urge our Senators to act accordingly.

Now I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INOUYE. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, with the greatest respect for my friend from Florida, I rise in opposition to the amendments he proposes to the Interior appropriations bill.

As similar amendments have done in prior years, this amendment seeks to prevent Indian tribal governments from engaging in activities that have been authorized by the U.S. Congress and sanctioned by the Supreme Court of the United States.

My colleagues know well that there has been a serious impasse in the operation of federal law, the Indian Gaming Regulatory Act—IGRA—since 1996.

In that year, the Supreme Court concluded that the means by which tribal governments could have recourse to the Federal courts if a State refused to negotiate for a tribal-State compact violated the states' eleventh amendment immunity to suit.

Thus, while there are presently over 128 tribal-State compacts as many as 24 States, in those States where tribal-State compact negotiations had not been brought to fruition by 1996, the Court's ruling gave those States a trump card in the negotiations.

Those States—and there are only a few—now had a means of avoiding compliance with the Federal law altogether. They could refuse to negotiate any further, or refuse to negotiate at all, with the knowledge that tribal governments had no remedy at law and no recourse to the Federal courts.

We have tried to address this matter through legislation, and indeed, the chairman of the Indian Affairs Committee, Senator BEN NIGHTHORSE CAMPBELL, currently has a bill pending in the Senate which specifically addresses this matter and establishes a process for resolving this impasse.

In the interim, the Secretary of the Interior has stepped into the breach—first by soliciting public comment on his authority to promulgate regulations for an alternative process if tribal-State compact negotiations should fail, and then by following the administrative procedures to assure that everyone with an interest had an opportunity to participate in the rulemaking process.

That was the open and public and well above-board process that was followed, and it seems to me only fair that if a State refuses to negotiate with a tribal government,—that there be some other means by which an indian government can secure its right under Federal law to conduct gaming activities.

Mr. President, if there were a proponent of this amendment that could tell us what equitable alternative they would propose for those tribal governments that will be directly affected by this amendment, I would give that alternative my earnest consideration.

But all that I see going on here is an effort to assure that the windfall enjoyed by those States that had not entered into compacts by 1996, never have to do so.

I suggest that if what we are about here is to render the Indian Gaming Regulatory Act a nullity, then let's be direct and forthright about it.

Let's repeal the Federal law.

Let's have the Supreme Court's ruling in Cabazon be the order of the day and of every day to come.

I, for one, will not be party to this obvious effort on the part of some States to evade the mandates of the Federal law.

There is nothing constructive being advanced today. There is no effort to assure some balance in the positions of the respective sovereigns, tribal and State governments, and as such, I must strongly and respectfully oppose the adoption of this amendment.

I thank the Chair. I yield the floor.

At the request of Mr. GORTON, the following statement was ordered printed in the RECORD:

Mr. SESSIONS. Mr. President, I rise today to join with my distinguished colleagues, Senator ENZI and Senator GRAHAM, in offering this important amendment to the fiscal year 2000 Interior appropriations legislation. This is an amendment that should be supported by anyone who is concerned about the issue of gambling, and who also believes that the Federal Government often goes too far in exerting its will on the individual States. I think that the amendment we offer today, which will prohibit taxpayers money from being expended to implement the final rule published on April 12, 1999 at 64 Federal Register 17535, is an important amendment because if it passes it will prohibit the Secretary of the Interior from unilaterally approving the expansion of casino gambling on Tribal land throughout this country, including States, like Alabama, in which a Class III gambling compact has not previously been negotiated.

Allow me to briefly share some of my thoughts on the importance of this amendment. As Attorney General of Alabama, I cosigned a letter with 25 other Attorneys General that was sent to the Secretary of the Interior in regards to his promulgation of the rule we seek to block today. Every Attorney General who signed that letter shared the opinion that the Secretary of the Interior did not have the legal authority to take action to promulgate regulations which gave him the authority to allow casino gambling in this manner. In fact, I previously warned the Secretary that if he attempted to implement this rule, he would immediately be sued by States throughout this country in direct challenge to these regulations, resulting in a terrible waste of resources on both the State and Federal level. Unfortunately, my prediction has come true, as the States of Florida and Alabama have filed suit to block the implementation of this rule.

This is an important issue for my State, which has a federally recognized tribe and which has not entered into a tribal-State gambling compact. Alabama's citizens have repeatedly rejected attempts to allow casino gambling to occur within our State. However, under the rules that the Secretary of the Interior has promulgated, he has given himself the authority to unilaterally decide whether tribes within the State will be allowed to open casinos, regardless of the opinion of the State itself, despite his obvious conflict of interest, and even in the absence of any bad faith on the part of the States. I fail to see how the Secretary of the Interior can cede himself the authority to make this determination for the people of Alabama. Allow me to quote two points from the legal analysis prepared by the States of Florida and Alabama which highlight these issues:

The States of Florida and Alabama point out in their lawsuit that ''under IGRA, an Indian tribe is entitled to nothing other than the expectation that a State will negotiate in good faith. If an impasse is reached in good faith under the statute, the Tribe has no alternative but to go back to the negotiating table and work out a deal. The rules significantly change this by removing any necessity for a finding that a State has failed to negotiate in good faith. The trigger in the rule would allow secretarial procedures in the case where no compact is reached within 180 days and the State imposes its Eleventh Amendment immunity.''

Additionally the States' challenge points out the problems associated with the Secretary of Interior's conflict of interest. In their argument the States point out that ''the rules at issue here arrogate to the Secretary the power to decide factual and legal disputes between States and Indian Tribes related to those rights. Pursuant to 25 USC Section 2 and Section 9, the Secretary of the Interior stands in a trust relationship to the Indian tribes of this nation. The rules set up the Secretary, who is the Tribes' trustee and therefore has an irreconcilable conflict of interest as the judge of these disputes. Therefore, the rules, on their face, deny the States due process and are invalid.''

Both of these points help to illustrate just how badly flawed the regulation proposed by the Secretary of the Interior is, and help underscore why Congress should be vigilant in ensuring it cannot be utilized.

Why is this issue so important to my State? Because in giving himself the ability to decide whether to allow tribal Class III gambling in a State, the Secretary of Interior has given himself the ability to impose great social and economic burdens on local communities throughout Alabama. Let me share with you a letter that the mayor of Wetumpka, Jo Glenn, whose community is home to property owned by a tribe, wrote me in reference to the undue burdens her town would face if the Secretary were to step in and authorize casino gambling. Mayor Glenn writes:

> Our infrastructure and police and fire departments could not cope with the burdens this type of activity would bring. The demand for greater social services that comes to areas around gambling facilities could not be adequately funded. Please once again convey to Secretary Babbitt our city's strong and adamant opposition to the establishment of an Indian Gambling facility here.

Mayor Glenn's concerns have been seconded by other communities. Let me share with you an editorial that appeared in the Montgomery Advertiser in regards to regulations being discussed today. The Advertiser wrote:

> Direct Federal negotiations with tribes without State involvement would be an unjustifiably heavy handed imposition of authority on Alabama. The decision whether to allow gambling here is too significant a decision economically, politically, socially to be made in the absence of extensive State involvement. A casino in Wetumpka—not to mention the others that would undoubtedly follow in other parts of the State—has implications far too great to allow the critical decisions to be reached in Washington. Alabama has to have a hand in this high stakes game.

Mr. President, the States of Alabama and Florida were correct to challenge this regulatory proposal, and the writers of the above quoted letter and editorial were correct when they voiced their objections to it. We should not allow the Secretary of the Interior to promulgate rules giving himself the authority to impose drastic economic, political and social costs on our local communities, and we should take steps now to ensure that he is unable to do so. I urge my colleagues' support for the Graham-Enzi amendment.

Mr. GRAHAM. Mr. President, on April 12, 1999, Thomas Jefferson must have turned over in his grave. That Monday, the Secretary of the Interior promulgated a regulation which had the potential to unilaterally strip the duly elected Governors of America of their decision-making authority on the issue of casino gambling.

That day, the Secretary published regulations that would circumvent the State-tribal compact negotiation process by allowing tribes to apply directly to the Department of Interior for the approval of Class III gaming. If the Secretary determines that the State and tribe have not been able to reach an agreement, he, alone, can grant the tribes the authority to engage in Class III gaming.

Class III gaming is the sort of gambling you might find in Atlantic City or Las Vegas—blackjack, slot machines, craps, roulette.

It's an old story, Mr. President: Washington knows best. But in an era when we have correctly determined that political decisions are best made at the State and local level, this complete abrogation of States' rights is particularly outrageous. Today, Senator ENZI and I are taking steps to reverse the Interior Department's power grab. Our amendment to the Interior Appropriations bill would preserve the fundamental right of every State to decide whether or not it wants Class III Indian gaming within its borders. It would block these efforts to unilaterally approve tribal casino-style gambling applications by prohibiting the use of Department of Interior funds for the implementation of the Secretary's final rule.

The final rule publication on April 12 is fraught with long-term consequences. If we allow the long-standing tribal-State negotiation process to be bypassed, we will undermine a dialogue which has promoted greater understanding between both parties in the negotiation of gaming compacts.

This amendment does not limit the ability of tribes to obtain Class III casino-style gambling provided that tribes and States enter into valid compacts pursuant to existing law.

But even more importantly, Department of Interior's action calls into question the basic right of States to make decisions that are in the best interest of their residents. In the State of Florida, our Constitution prohibits this sort of gambling, and in 1978, 1986, and 1994, Floridians overwhelmingly rejected casino gambling in three separate statewide referendums. State and local law enforcement officials are equally vehement in their opposition.

Mr. President, our amendment has the support of the National Governors Association, National Association of Attorneys General, National League of Cities, and the National Conference of State Legislatures.

Four times in the past three years, an amendment similar to this one has been offered in the Senate, and all four times it has been accepted. Should it fail this time, the Interior Department will have unfettered power to grant Class III gaming compacts over State objections, even in State where casino gambling is against State law, including in States like Florida, where casino gambling is prohibited by the State constitution.

This amendment neither affects existing tribal-State compacts nor amends the Indian Gaming Regulatory Act. It does protect States' rights and ensures that elected State leaders—not unelected Federal officials—have the right to negotiate gaming compacts based on public sentiment.

I hope that my colleagues will join Senator ENZI, our cosponsors, and myself in supporting this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, as far as I know, that concludes debate on the Graham-Enzi amendment. As far as I know, Members are willing to accept a voice vote on the amendment. So unless someone else rises, I suggest the President put the question.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1577.

The amendment (No. 1577) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1603

(Purpose: To prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000)

Mrs. HUTCHISON. Mr. President, I call up amendment No. 1603.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON), for herself, Mr. DOMENICI, Mr. LOTT, Mr. NICKLES, Mr. BREAUX, Mr. MURKOWSKI, Ms. LANDRIEU, and Mr. SHELBY, proposes an amendment numbered 1603.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1 . VALUATION OF CRUDE OIL FOR ROYALTY PURPOSES.

None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes (including a rulemaking derived from proposed rules published at 62 Fed. Reg. 3742 (January 24, 1997), 62 Fed. Reg. 36030 (July 3, 1997), and 63 Fed. Reg. 6113 (1998)) until September 30, 2000.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator SHELBY be added as a cosponsor to this amendment.

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

Mrs. HUTCHISON. Mr. President, I offer this amendment on my behalf, and in addition to Senator SHELBY, Senators DOMENICI, LOTT, NICKLES, BREAUX, MURKOWSKI, and LANDRIEU.

This amendment will continue an existing provision that will prevent the Interior Department's Minerals Management Service, MMS, from implementing an overreaching and unwise new oil royalty valuation system. This moratorium was adopted by the Senate Appropriations Committee and continues the same restrictions that have been passed by the Senate and the House and signed by the President three times previously.

I add that it has been bipartisan, and the initial moratorium and its subsequent extensions have been supported by Senators on both sides of the aisle, and the same is true on the House side. This will be the fourth time that Congress will have to act to stop this action by the Minerals Management Service. I regret that, and I wish there did not have to be a first time. But this moratorium is absolutely necessary in order to stop the MMS from overriding its regulatory authority by imposing a backdoor tax on the production of oil from Federal leases.

We have heard about judges legislating from the bench. This is, I think, legislating from the cubicle. This new rule violates both the language and the intent of Federal law governing the assessment and collection of Federal royalties from oil and gas drawn from Federal lands in the Outer Continental Shelf.

Everyone agrees the existing rules are too complex and burdensome, and Congress and the industry groups had welcomed a revision of the rules. But the proposed rule 3 years ago which MMS announced without prior notice to Congress could impose even more costly regulations on oil producers and effectively enact a royalty rate hike or tax increase which the agency simply does not have the authority to do. While the larger oil companies might be able to absorb these costs, hundreds of small independent producers probably will not. This new rule hits them at a time when they are still reeling from the historically low oil prices we have seen lately.

Anyone who has any kind of oil production in their States knows that hundreds of thousands of oil-related jobs in our country have gone out of existence in the last 6 months. We all know that oil prices went down to $10 a barrel. We have not seen that in this country for 40 years. We know that small independent producers had to go out of business, thus throwing hundreds of thousands of people off the payroll.

In addition, there are two recent developments that justify more than ever before the extension of the moratorium. First, the MMS itself says it needs more time to review its rule; second, a serious ethical and legal question has recently been raised about the rulemaking process.

Earlier this year, the Minerals Management Service did reopen the comment period for their rule for 30 days. During that period of time, they received extensive comments dealing with the many facets of this issue, and they have not yet finished reviewing and considering those comments.

Because they have held workshops and various oil industry representatives and others interested in this issue have been able to meet together, it is going to take time for the agency to digest the input they have. I hope there is a window in which the Minerals Management Service will be able to sit down and come up with something that is fair and will not put more of our oil industry jobs off the books and into foreign countries.

Remember, today we import more than 50 percent of the oil needs of our country. We are certainly not doing anything to help our own oil industry keep oil jobs in America, and it is a security risk to any country that cannot produce 50 percent of its energy needs.

I think everything we can do to keep this industry strong is a security issue for our country, and it is certainly a jobs issue.

Unfortunately, extending the moratorium through the next fiscal year is the only way we are going to be able to get this agency to produce a workable

rule that stays within the bounds of the law. That is what we are trying to do.

In fact, I want our oil industry to pay its fair share of royalties to the people of our country. Our taxpayers deserve that. That is exactly what we are trying to do with the MMS. But the MMS has been very heavy handed, and they act as if businesses going out of existence is preferable to having a fair royalty rate in which the industry would pay its fair share and we would keep jobs in America.

Several of my colleagues and I strongly urged MMS to sit down with Members of Congress and industry representatives to discuss these issues. It did so last year. Some progress was made, and I thought we were coming toward a compromise. Unfortunately, the Department of the Interior brought the progress to an abrupt halt. The only way we will be able to sit down with the agency is if there is a moratorium until there is a satisfactory resolution of this issue by the MMS and the Members of Congress who are interested in keeping oil jobs in America.

In addition, I and other Members of Congress only recently became aware of a situation that, frankly, calls the entire rulemaking process into serious question. This spring it was revealed that a self-proclaimed government watchdog group called Project on Government Oversight, or POGO, gave $350,000 each to two Federal officials: One at the Department of the Interior and the other at the Department of Energy, apparently in connection with their work on the royalty valuation issue.

This matter is presently under criminal investigation at the Department of Justice, and it is the subject of an investigation by the Department of the Interior's inspector general. Until these investigations are complete, the prudent course would be for the Interior Department to take a voluntary action to suspend its plan to finalize the new royalty valuation rule. Unfortunately, the Department has indicated it is not willing to do this. I can't imagine an agency that has admitted or at least acknowledged that one of its employees in this rulemaking process took $350,000 as part of a payment in a lawsuit from this government watchdog organization, and the agency is not even willing to say we should call a moratorium on this whole process until we get to the bottom of this. That is why, when things such as this happen, people don't trust their Government.

I can't imagine the Interior Department not volunteering to take this action and sit down with us and make sure that this rulemaking process has integrity.

The Interior Department's proposed rule defies the law and the intent of Congress. This disregard for the law is what is at the heart of our objection to the proposed new rule, not the $11 million the Congressional Budget Office estimates the proposed rule will generate in new income for the agency.

Federal law requires for purposes of royalty payments the value of oil drawn from Federal land is to be assessed at the wellhead; that is, when the oil is drawn from the ground. The MMS, however, continues to try to assess the value of the oil away from the wellhead, after the oil has been transported, processed, and marketed, each of which must occur before the oil can be sold. In effect, the MMS is trying to get a free ride on these costs rather than allowing companies to deduct them from the price they ultimately receive for the oil. So you are asking people to pay a tax on their cost of doing business. That does not make economic sense. It certainly doesn't pass the fairness question.

There isn't any question that the existing system of computing Federal oil royalties is overly complex. No one disputes that. Under the current system, oil producers are often unclear as to what their royalty payments are supposed to be, and even the MMS is often at a loss as to what they are owed. But rather than propose a simpler method of ascertaining royalty payments, the MMS has proposed an even more complex and protracted litigation over just what the new rule requires.

While the proposed rule could bring in increased Federal revenues, the increased payments could also be eaten up by the need to hire an army of new Federal auditors to ensure compliance with the complex new system. Furthermore, if companies decide not to go forward with their drilling because they can't make any kind of profit, there will be no revenue to the schoolchildren in our country because there will be no oil royalty extracted from those companies. So the new rule is going to be a regulatory thicket that really is not going to help the situation, which is the problem of a too complex regulation today.

Let me also emphasize this amendment has nothing to do with the entirely separate issue of whether or not any particular oil company has paid the royalties it owes under the existing system.

I have heard a lot of rhetoric on this issue. I have heard my colleagues talk about the lawsuits and the settlements and companies that haven't paid their fair share. If any oil company has not paid its fair share under the existing regulation, I want it to be prosecuted. I want it to have to pay. That is not an issue in this regulation. The only issue before us today is what is going to be the oil royalty valuation process and is Congress going to have the right to raise taxes or is an unelected bureaucrat who is not accountable going to have that right.

Federal land and the mineral resources within that land belong to us all. Proper royalties must be paid for the right to extract those resources. Since 1953, those payments have totaled over $58 billion. That is what we have collected in oil royalties. But enforcement of the law and writing the law are two separate things. The MMS seems to have forgotten that it is the responsibility of Congress, not the government bureaucrats, to determine what the royalty is. That is why we must continue this moratorium until Congress says this is the right approach.

The new rule imposes upon Federal lease producers a duty to market their oil without allowing the cost to be deducted. Oil does not sell itself. There are overhead costs associated with listing the oil for sale, locating buyers, facilitating the sale, and then ensuring that the oil is delivered to that buyer. Federal law and existing regulations only require that the lessee place the oil in marketable condition; that is, that the oil is ready to be sold by removing water and other impurities from it. But lessees are allowed, under current law, to deduct the costs associated with transporting and marketing the oil.

The new rule, as contained in the MMS' own explanation, states that the producers must market the oil for the mutual benefit of the lessee and the lessor. This, then, would mean producers would no longer be allowed to deduct these costs in order to arrive at true wellhead value, as called for by Federal law. There is no other way to slice it. This constitutes a backdoor royalty rate hike; in effect, a tax increase on Federal lands producers.

Secondly, the MMS rule would not allow for the proper deduction of transportation costs. Oil producers typically have to bear the cost of transporting the oil to the buyer, either by pipeline or truck. Presently, those costs are determined by using a methodology recognized by the Federal Energy Regulatory Commission, which has regulatory authority over interstate oil pipelines. So the new MMS rule would actually reject the Federal Government's own cost guidelines and impose a new, untested system for determining transportation costs.

So it comes down to a simple decision: Do we want unelected bureaucrats enacting policy with regard to our Federal lands, or do we want Congress to establish these policies? There have been other bills introduced that would deal with this issue. I hope we can come to an agreement. But I don't think we can forget what has happened to the oil industry over the last 2 years. In fact, this is coming at a time when oil and gas production in our country is at an all-time low. In March of this year, we saw oil prices in parts of our country going down to even $7 or $8 a barrel.

While the price of oil has since begun to come back up—and today stands at about $20 a barrel—the impacts of a year and a half price crash are reverberating throughout the United States. Since the price of oil first fell in late 1997, over 200,000 oil and gas wells have been shut down. Most of these, of

course, were the low-yield marginal or ''stripper'' wells that will never again be opened because it is not economically feasible to do it.

In March of this year, crude oil production in the lower 48 States fell to 4.8 million barrels per day, the lowest level in 50 years. The number of oil rigs in service in the United States fell to just over 100 for the last week in July, the lowest number in service since records have ever been kept.

During this time, foreign oil imports rose steadily and now account for 57 percent of consumption, well above the 36 percent import level we saw during the 1974 oil embargo that nearly shut down the American economy.

The oil crisis has also had a devastating impact on American jobs. Since November 1997, we have lost over 67,000 jobs just in the exploration and production sectors of this industry, which represents 20 percent of the total number of jobs in this field. In January 1999 alone, 11,500 oil and gas jobs were lost. If one looks back to 1981, the numbers are even more alarming: Over half a million good-paying American jobs have been lost in the oil and gas industry.

There are those who would say this is going to hurt our schoolchildren, that they are not going to get the revenues from our public lands. This is very important in my home State. There are dozens of school districts that rely heavily on oil production; property taxes fall with the price of oil. Statewide school districts will collect an estimated $154 million less in revenues this year than last. That is $154 million worth of teachers' salaries, books, computers, you name it. That is what we are talking about in Texas when we talk about the impact of oil on education.

So if we are going to hit the oil business again, what is it going to do to the schoolchildren of our country? Is it going to take another $154 million hit in my State? Do you know that they had to let teachers off in midyear in many counties in Texas because they didn't have the money because of oil companies going out of business and having no income whatsoever? So when my colleagues say the schoolchildren are going to lose $60 million, perhaps, in California alone, I point my colleagues' attention to the fact that we have lost $154 million this year in Texas, and we are cutting teachers off in midyear and shutting down schools because our oil industry is on its knees.

During 1998, while the average yield for stocks in the Dow Jones Industrial Average was a positive 18 percent, the yield for oil and gas stocks was a negative 36 percent. So what does that do to the elderly investor, or the person who is investing in mutual funds? What does that do to an industry that is very important for the retirement security of millions of our citizens?

For companies inclined toward exploration and production, earnings and stock values have fared even worse. The yield on independent refiner stocks, down 40 percent. The yield on exploration and production stocks, down 63 percent. The yield on drilling stock, down 64 percent. These stock values reflect huge losses by oil companies over the past year and a half. Corporate earnings of the 17 major U.S. petroleum companies fell 41 percent between the first quarter of 1998 and the first quarter of 1999. Fourth quarter losses for 1998 and the first quarter of 1999 were some of the largest witnessed in industry history. Some companies have lost over $1 billion during each of these quarters.

So we are not just talking about the loss of revenue to our schoolchildren. We are not just talking about the stability of the retirement pension plans of millions of Americans. We are talking about flat bad policy. We are talking about cutting off an industry that is essential to our security, essential to the retirement security of individuals in this country, essential to job security for thousands of workers; and we are talking about blithely saying let the bureaucrats who aren't accountable increase the taxes without congressional responsibility.

Congress didn't say that last year, they didn't say it the year before, and they didn't say it the year before that. They said: No, you will be accountable because we do care about the schoolchildren of this country, we do care about the people living on retirement incomes in this country, and we do care about those who have mutual funds that include oil industry stocks; we want them to be stable, we want them to pay their fair share, and we believe their fair share includes not paying taxes on their expenses. It is economics 101.

So I am asking my colleagues, for the fourth straight time, to come forward and vote to keep this moratorium so Congress can exercise its full responsibility, so that we will not put people out of business because the margins are so low and because they have been hit so hard over the last year and a half.

We are joined by many groups who care about the economic viability of our country: Frontiers of Freedom, the National Taxpayers Union, Americans for Tax Reform, Citizens Against Government Waste, Citizens for a Sound Economy, the Alliance for America, People for the USA, Sixty-Plus, the Blue Ribbon Coalition, the American Land Rights Association, the Competitive Enterprise Institute, the National Center for Public Policy Research, Rio Grande Valley Partnership.

The moratorium that I am proposing to extend will force the Department to take the time to craft a rule that works and accurately reflects the will of Congress—a rule that will be fair to the schoolchildren of our country, a rule that will be fair to the taxpayers of our country, a rule that will make the oil industry pay its fair share, but a rule that will not make the oil industry pay an increased tax on their expenses. That is unheard of in economics in our country, nor good business sense. It is confiscatory taxation, and we will not stand for our retirees having their investments obliterated by taxes that are unfair. The buck stops here. It does not stop on the bureaucrat's desk; it stops here, because we are responsible for keeping the jobs in this country. We are responsible for fair taxation policy. We are responsible for the schoolchildren of our country. And the way to keep these companies paying their fair share, creating the jobs, and creating safe retirement systems for the people of our country is to keep the moratorium on and force the Department of the Interior to do the will of Congress, which is what it is supposed to do. If we don't stand up for our responsibility, who will? Who will stand up for Congress' responsibility if the Senate doesn't?

I urge the adoption of the amendment which has been adopted three times before, and which I hope will be adopted again, so that we will keep the oil jobs in our country, so that we will keep the retirement security of the mutual funds that depend on oil companies being stable, so that we will keep the schoolchildren of our country having the ability to get revenue that is fair, and to make the oil industry pay its fair share. That is what this amendment does.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I know there are Senators who are waiting to speak on other measures. I am only going to speak for 2 minutes.

I congratulate Senator HUTCHISON on the argument she offered today. She indicated that the last three times we have done this, I have either been the sponsor and she the cosponsor, or vice versa.

I am here today to again indicate that whoever follows us and talks about the fact that we ought to stick big oil, or we ought to make sure there are no longer any slick deals, as I see some of these comments that are going to be made here on the floor, let me suggest that if you are taxing anything in the United States and you are doing it wrongly or unfairly or without justification under the law, then it doesn't matter whether somebody is going to lose money if in fact Congress says you have to stop doing that.

That is what we have here. We are going to have Senators argue that there are certain oil companies that are not going to have to pay. There have been settlements where they have paid. But the truth of the matter is, the intention of this law is, if you are going to change it materially, Congress is supposed to be involved.

We have tried to get involved. In fact, for 6 months we have mutually attended hearings with the MMS and the oil producers and talked about what was wrong with these regulations and

rules. Everybody on both sides was saying, let's fix them; let's modify them; let's change them. Frankly, I think the oil people who were at those meetings who have talked with us and have gone to hearings in the Energy Committee are more than willing to listen to realistic, reasonable changes.

But essentially what has happened is, the MMS decided to change the rule which historically based royalties on prices at the wellhead. They decided they would go downstream from that wellhead, and they invented a new concept called ''duty to market.'' They decided that they are going to decide what expenses are allowed in moving that gas downstream to where the marketing occurs. They are deciding what the values are at that point. And we could go through a litany of situations where the oil industry believes the decisions are not fair, not market oriented, or not consistent with business practices. Frankly, I think some—because it is oil, or big oil—think it just doesn't matter, stick them.

Frankly, as I indicated before, we want to stand here and say: Why don't you get serious about fixing those regulations? And we will get off your back.

That is what is going to happen. Until they do it realistically and we get some word that they have been fair and reasonable in the way they are setting these royalty costs and prices that yield dollars in taxes to the oil industry, until we find out there are some changes made, we are going to be here on the floor saying this is a new add-on tax to an industry that maybe 15 years ago we could talk about as if what you taxed them didn't matter. But we know that we have a falling production market in the United States. It is more and more difficult to produce these products. It is more and more expensive and cheaper overseas. Some of us don't want to see the American industry taxed any more than is absolutely reasonable and fair.

These regulations are not right. They are not fair; they are not based on marketplace concepts, or we wouldn't be here.

I know some are going to want to debate this for a very long time. Maybe we will even have to ask for the debate to be closed. But we are not going to give up very easily.

We ask Senators who pay close attention. It is not a matter of what we could get out of this industry or what somebody alleges they would have paid in the settlement. It is a question of whether the new rules and regulations are right and consistent with fair market concepts or not. As you figure the royalty, are you inventing costs and prices and disallowing deductions and the like that have no relationship to reality? We think that is what these are.

We would be happy to come back again and debate. I will be glad to be here. But for now I yield the floor. I thank Senator HUTCHISON.

Mrs. HUTCHISON. Mr. President, if I may say so, I appreciate that this is the Hutchison-Domenici amendment. Sometimes it is Domenici-Hutchison because we both have worked so hard on this issue over the last 3 years. I appreciate the leadership of my colleague from New Mexico who feels the loss of oil jobs just as my State of Texas does. It is a team effort.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBB. Thank you, Mr. President.

AMENDMENT NO. 1583

(Purpose: To strike Section 329 from a bill making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2000)

Mr. ROBB. Mr. President, I call up an amendment that has been filed at the desk on behalf of myself and Senators BINGAMAN, BOXER, CLELAND, CHAFEE, and TORRICELLI.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Virginia (Mr. ROBB), for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. CLELAND, Mr. CHAFEE, and Mr. TORRICELLI, proposes an amendment numbered 1583.

Beginning on page 116, strike line 8 and all that follows through line 21.

Mr. ROBB. Mr. President, I did not ask that the reading of the amendment be dispensed with because it was so short and to the point.

The amendment simply strikes section 329 from the Interior appropriations bill we are now considering. Section 329 is a rider that is intended to overturn recent decisions handed down by the Eleventh Circuit Court of Appeals and the Federal District Court in Washington State dealing with national forests.

These courts were asked to examine the activities of the Forest Service and BLM to determine whether, in allowing certain timber sales from public lands, they complied with their own regulations and resource management plans that were developed under the National Forest Management Act. The courts found that they did not comply and disallowed the sales until they did.

The forest plans guide the Federal decision-making, so that one activity in the national forests such as logging does not occur in detriment to other uses. These plans apply only to national forest land—Federal land—not private land. This is land held in trust for all people and all uses, and the Forest Service and BLM are charged with ensuring that decisions involving these public treasures are made wisely.

We in Congress continually insist that Federal regulators operate using good science. But there is no good science without good data.

Section 329, which my amendment would strike, would relieve the Forest Service from the obligation to develop any new data. And we cannot have good decisions without good science and good data.

After decades of managing our forests primarily for the production of logs, we are now managing forests for a variety of uses. But we cannot do that without baseline data on threatened and endangered species.

We are changing the way we manage forests and the way we look at forest uses. Preserving habitat and providing recreation also have become increasingly important.

These changes are not easy. Proponents of this section, that my amendment would strike, fear that the requirements that we make sound decisions based on sound science and good data will lead to less logging. This is simply not true. Managing forests for their various uses, which include harvesting timber, requires an understanding of the entire system, including the plants, animals, even the pests that sometimes inhibit or damage growth.

To improve forest management, in December of 1997 the Chief of the Forest Service appointed an independent committee of scientists to advise him on ways to bring better science into forest planning. The panel's findings strongly recommended the use of scientific evidence in managing forests. The panel repeatedly advised that monitoring is critical to sustaining forest health.

In the cases that section 329 seeks to overturn, the courts simply require the Federal Government to undertake the monitoring that their own forest plans and rules require. Supporters of section 329 argue that the courts in these two cases have deviated from rulings by other courts where challenged timber sales were allowed to proceed. In other cases—and here is the important difference—the courts had enough data to rule in favor of the Forest Service. There was evidence to show that while the data gathered may not have been exhaustive, at least it was adequate.

In the most recent cases that section 329 seeks to overturn, the courts, after noting deference to the Forest Service, recognized the job simply had not been done adequately or at all. The courts didn't rule that each and every species had to be monitored. They simply said to the Federal Government: You have to follow your own rules. You have to gather the data in which a sound decision can be based.

For example, the Eleventh Circuit decision delayed seven timber sales in the southern Appalachian forest in Georgia until the Forest Service completed an evaluation of the impact the sales would have on the forest environment.

The purpose of the information gathering is to ensure that the Forest Service makes an informed decision before it allows the removal of expanses of

timber that could be crucial to survival of endangered or threatened species or that could affect overall forest health.

In a similar action, a Federal judge in Washington State has delayed over 25 timber sales until the Forest Service completes the survey work required by the Northwest Forest Plan.

In the case involving the southern Appalachian forest, the Forest Service failed to develop the required baseline data on a number of species in both the endangered and the threatened category and in a category known as ''indicator'' species. For example, the Forest Service had no population inventory information at all for 32 of 37 species in one category. The court of appeals ruled that in proffering the tracts of timber for sale, the Forest Service failed to comply with its own regulations. The court didn't just determine that the data was inadequate; the court determined that the data was nonexistent.

Under most forest plans, the Forest Service develops lists of indicator species to provide a basis for monitoring. These lists have species such as deer, bear, bass, and trout. These species are representative of all the other species in the forest. The list is short and it is designed to be easy to monitor.

In the Eleventh Circuit case, the Forest Service developed such a list but then failed to gather any information on most of the species on the list. In the Northwest, the court found that the Forest Service sidestepped similar requirements of the forest plan.

The Northwest Forest Plan is the legal and scientific framework that allows timber sales to go forward in the old growth forests of the Northwest. As our colleagues will recall, lawsuits in the early 1990s brought logging in that region to a complete halt. The Northwest Forest Plan, which was the result of lengthy and often painful negotiations, allowed timber sales to go forward, provided that there was an adequate basis to make an informed decision. The agreement provides the best hope of sustained yield and multiple use. This latest ruling by the Western District Court of Washington is a reminder that the agreement is the operating plan for the forests, and that guidance memorandum cannot exempt the Forest Service from its duty. This ruling will delay timber sales but only until the Forest Service completes the work laid out in the plan.

Of the 80 surveys in question, all but 13 have protocols developed that will allow survey work to move forward. These decisions are not a result of overstepping by the courts. They are a result of the courts examining the rules the Forest Service laid out for itself and merely requiring the Forest Service to operate by the rules it adopted.

Let me quote from the Eleventh Circuit decision:

> While the Forest Service's interpretation of its Forest Plan should receive great deference from reviewing courts, courts must overturn agency actions which do not scrupulously follow the regulations and procedures promulgated by the agency itself.

I suggest to our colleagues who support section 329 that we should not as a result of one court decision turn our backs on the necessity of developing good information on plant and animal populations in our national forests. This data is the basis of the good science we keep talking about. It will add to our knowledge. In fact, most forest districts already have a substantial amount of data and continue to develop more. The majority of sales are moving forward under the existing rules and plans. It would be a mistake to let delays in a few timber sales negate all of the important work that is now being done. Section 329 effectively stops data gathering for the coming fiscal year.

In addition, section 329 establishes a new standard to be applied by the Forest Service and the Bureau of Land Management for determining when to approve timber sales. However, according to the agencies that are required to implement the change, rather than speed timber sales up, it would slow them down. To understand the effect of this change, we ought to hear from those who will be responsible for implementing the change.

In a statement issued jointly by the Secretaries of Agriculture and Interior they say:

> [I]f this rider were adopted, tens of thousands of individual management activities and planning efforts would be subject to a new legal standard.
>
> This would have the unintended effect of increasing project costs and increasing delays in order to conduct time-consuming reviews of administrative records to document compliance with the new standard.
>
> Increased litigation and delay could also be expected as plaintiffs seek to define the new standard in court.
>
> In an effort to free up a limited number of timber sales in Georgia and the Pacific Northwest, the Senate would unnecessarily override the Federal Court ruling, agency regulations, and resource management plans requiring the Forest Service and Bureau of Land Management to obtain and use current and appropriate information for wildlife and other resources before conducting planning and management activities.
>
> Moreover, the bill language applies not just to timber sales decisions and required surveys in the forests of the Southeast and Pacific Northwest, but to all activities for which authorization is required on all lands managed by the Bureau of Land Management and the Forest Service.
>
> As such, it could result in far-reaching, unintended negative consequences.

In short, the Secretaries who would be required to implement the new standard write that:

> Section 329 is unnecessary, confusing, difficult to interpret, and wasteful.
>
> If enacted, it will likely result in costly delays, conflicts, and lawsuits with no clear benefit to the public or the health of public lands.

The Forest Service, which is charged with implementing the court's ruling, is acting. In the southern Appalachian forests, they are modifying the forest plan and have developed guidance to help meet the court's directives. In the Northwest, they are completing a supplemental environmental impact statement that will respond to the court's concerns.

Incidentally, the SEIS was in process before the court ruled because the Forest Service had already recognized that the plan needed adjusting, and the plan has mechanisms in it to accommodate change.

The Forest Service does not believe this rider is necessary in order to approve timber sales. In fact, they believe it will interfere with timber sales.

I want to emphasize an additional problem with section 329. It does not just apply to timber sales. Again, according to the Secretaries of Agriculture and the Interior:

> The provision which applies for one year would apply to all of the nearly 450 million acres of land managed by the two agencies and would apply to all management activities undertaken by the bureaus, not just timber sales.

We should not be putting a rider on an appropriations bill to lower the standard for government agencies in the hope that it might pass unnoticed. One of the reasons people get cynical about their government is that it does not always do what it says it will do. In this case, we would lower the bar for agencies that do not want the bar lowered. The Forest Service believes that it can do the job right. We would do a disservice to this body and to the people who expect us to protect our national treasure by not demanding that Federal agencies make informed decisions with adequate data.

What section 329 proposes to do is lower the standard the first time that agency fails to meet it. I believe this is the wrong approach. I believe we should strike section 329 from this appropriations bill and that the Federal Government should comply with the laws we have passed and the rules it has established and the plans it has adopted.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1603

Mrs. BOXER. Mr. President, I thank the Senator from Virginia for his very important comments. I rise in very strong opposition to the Hutchison amendment that was laid aside and about which, as I understand it, probably we will have to vote on a cloture motion. I await the word of the chairman on that.

I want to tell my colleagues that this is a very serious matter. I hope they will listen very carefully as to why the arguments against the Hutchison amendment are so important. I am going to say some very strong things on the floor. But everything I say will be backed up by fact, backed up by quotes, backed up by court cases, backed up by recent history on oil royalty payments.

What the Hutchison amendment will do for the fourth time is to stop American taxpayers from receiving the

amount of oil royalties they are owed by the oil companies. Let me repeat that. The Hutchison amendment will stop the American taxpayers from receiving the fair share of oil royalties that they deserve. If it does pass, and I hope it does not, it will sanction that. It will say to the oil companies: It's OK, you continue, big oil companies, underpaying your oil royalties. We know they have a plan to underpay. We know that. We have heard it from people who have blown the whistle on the oil companies.

If we go with the Hutchison amendment, our fingerprints are on this defrauding of the taxpayers. This is very serious business. I ask my colleagues to pay attention, because when this issue was last before us, we did not have a whistleblower who worked for the oil companies in court, saying that the oil companies, in essence, defrauded the taxpayers and they planned to do so. We have that information. I will lay it before the Senate.

What is an oil royalty payment? Right here you see what a royalty payment is. The oil companies sign an agreement with the Federal Government that when they drill on Federal lands in any State of the Union, be it onshore or offshore, they must pay a fair percentage, 12.5 percent, of the value of that oil over to the Federal Government. It is like paying rent. It is not a tax; it is a royalty payment.

If you do not own the place in which you live, you pay rent. Imagine if you decided on a daily basis what that rent ought to be. No, no, no—you would go to jail or you would be evicted because you have signed a contract to pay a certain amount of rent. The oil companies have signed a contract to pay a certain amount of rent based on the oil they extract from Federal lands. Here it is. It ''shall never be less than the fair market value of the production.'' Keep that in mind, ''fair market value of the production.'' They have to base their royalty payment on the fair market value of the oil.

Senator DOMENICI was on the floor and he said beware of colleagues who start talking about Congress' slick deal with the oil companies. He said beware.

I am not saying it; USA Today said it. USA Today said it is ''time to clean up Big Oil's slick deal with Congress.'' They say, in their view, ''industry's effort to avoid paying full fees hurts taxpayers [and] others.''

Here is what USA Today says on the subject in this article. They knew the Hutchison amendment was coming and this is what they said.

> Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 percent to 10 percent discount off the marketplace. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

They go on to say the fact that ''big oil has contributed more than $35 million to national political committees and congressional candidates.'' They say that is ''a modest investment in protecting the royalty-pricing arrangement which has enabled the industry to pocket an extra $2 billion.''

This is a very bad situation. If you vote for the Hutchison amendment, you are aligning yourselves with a planned effort to defraud taxpayers. I do not know how many of my friends want to go home and face their constituents and make that argument. This is what USA Today continues saying:

> That's millions of dollars missing in action from the battle to reduce the Federal deficit and from accounts for land and water conservation, historic preservation, and several Native American tribes. In addition, public schools in 24 States have been shortchanged: States use their share of Federal royalties for education funding.

They conclude by saying:

> . . . the taxpayers have been getting the unfair end of this deal for far too long.

We have a chance to stand up for the consumer, for the taxpayers, against cheaters, against people who would knowingly defraud taxpayers, if we do not support the Hutchison amendment, if we oppose it.

We heard the Senator from Texas say: Oh, my God, things are terrible for oil. We are suffering in the oil industry.

What she does not tell you is something very important: 95 percent of the oil companies are not affected by the rule the Interior Department wants to put into place which will fix this problem. The Hutchison amendment stops them in their tracks and prohibits them from fixing this perpetual underpayment of royalties. That is what the Hutchison amendment does.

She says big oil and oil across the board is hurting. Ninety-five percent of the oil companies are not affected. They are decent. They are paying their fair share of royalties. It is the 5 percent that are doing this slick thing that are, instead of paying their royalty based on a market price, they are paying it based on a posted price which they post. They decide what the price is, and we know they are cheating us. How do we know that? That is a tough thing for a Senator to say, but I want to prove it to you.

First of all, we know this for sure: Seven States have already won battles in court against oil companies. The seven States have said that the oil companies are underpaying their royalty payments to the Federal Government and the States' share of those royalty payments, therefore, are lower. The oil companies have settled with these States.

If they were doing the right thing, do you think they would be settling for $5 billion so far? I doubt it. If they were so innocent, do you think they would be shelling out—''shelling'' is a good word—$5 billion to seven States? By the way, the Federal Government is suing as well. We do not want to have to keep these battles in court. The Interior Department wants to fix these problems so nobody will have to sue anymore. There will be a fair payment. So one reason we know they are cheating us is they are settling these cases all over the country.

There is another reason we know. This one is very direct and this one is new. I urge my colleagues at their peril to pay attention to this matter, please:

> A retired Atlantic Richfield employee has admitted in court that while he was Secretary of ARCO's crude pricing committee, the major's posted prices were far below fair market value.

He goes on to say—Anderson is his name:

> He admitted he was not being fully truthful 5 years ago when he testified in a deposition that ARCO's posted prices represented fair market value. He said: ''I was an ARCO employee. Some of the issues being discussed were still being litigated. My plan was to get to retirement. We had seen numerous occasions, the nail that stood up getting beat down.'' Said Anderson, ''The senior executives of ARCO had the judgment that they would take the money, accrue for the day of judgment, and that's what we did.''

Here is a retired former employee of one of the oil companies that has been ripping off the taxpayers admitting it in a court of law—he could go to jail if he lies—swearing on a Bible, an oil company man, that they sat around and agreed to understate the value so they could get away with it and wait for the day of judgment. Talk about a smoking gun, here it is. This is new information, and yet Senator HUTCHISON is asking you to stand with those people, one of whom admitted they actually had a plan to defraud the taxpayers.

This is a very serious issue. It is not politics. It involves a plan to understate the market price. It is wrong.

Mr. DURBIN. Will the Senator from California yield for a question?

Mrs. BOXER. I will be happy to yield.

Mr. DURBIN. I want to ask my colleague, the Senator from California, if she will clarify several things so those following the debate understand the parameters of this issue. In every instance here are we talking about private oil companies drilling for oil on public lands?

Mrs. BOXER. That is correct, I say to my friend. These are private oil companies that have signed an agreement with the Federal Government to pay the royalty payment based on the fair market value when they drill on land that is owned by the people of the United States of America.

Mr. DURBIN. I further ask the Senator from California, it has been my experience in Illinois that coal mining companies and oil exploration companies will go out and buy private land, at least an easement or right to drill on private land, and pay compensation to the landowner for that purpose. But in this situation, we are dealing with land owned by the people of America——

Mrs. BOXER. Correct.

Mr. DURBIN. That these companies are using to make a profit; is that correct?

Mrs. BOXER. That is absolutely correct.

Mr. DURBIN. And their payment to the taxpayers for the use of our land, the land owned by the taxpayers across America, is this royalty; is it not?

Mrs. BOXER. That is correct.

Mr. DURBIN. Can the Senator from California explain the impact, then, of the Hutchison amendment, how this will affect the royalty that is paid by the oil companies that want to drill for oil and make a profit from that oil off land owned by taxpayers?

Mrs. BOXER. What the Hutchison amendment does is it puts off for the fourth time any move by the Interior Department to fix the problem we are facing with this underpayment of the royalties that are due the taxpayers.

The Interior Department has held a series of 17 meetings across the country. They have met with the oil companies, they have met with Members of Congress, they have done everything, and they are ready to finalize a rule. Every time they are ready to promulgate a rule to fix this problem, up comes one of the Senators from the oil States who says: Oh, wait, wait, wait, it is too complicated; it isn't a good idea.

It isn't a good idea from the oil companies' perspective because as we just heard this one whistleblower say, they want to put off the day of judgment and use this float to make more and more money. But my friend is right in his questions.

Mr. DURBIN. I say to the Senator from California, let's consider two possibilities. If the royalty is based on the price of oil, there is a possibility that the royalty payments might go down if it is recalculated; there is a possibility that it might stay the same, or it might go up.

But I take it from this amendment that the oil companies that are pushing this amendment are so certain that their payments to the Federal Government are going to go up that they want to stop the Federal Government from recalculating the royalties.

The net impact of this, and the Senator from California can correct me, is that the oil companies are being protected from paying their fair share of rent or royalties for using public lands, and the taxpayers, because of this amendment, are the losers. We are the ones who do not get the royalties back from those who want to drill all the oil out of land that we own and not pay the taxpayers of this country for the right to do so.

Mrs. BOXER. I say to my friend, I can put it in specific dollars. Already the Hutchison amendment, since she first offered it and our colleagues backed her on it, has lost taxpayers $88 million, and if she succeeds in this, although Senator HUTCHISON has pared it back to a year, another delay of a year, it is another $66 million. That is a lot of millions of dollars. Taxpayers already have lost $88 million, and they are about to lose another $66 million unless we can stop this. The Interior Department is with us 100 percent.

Mr. DURBIN. If the Hutchison amendment prevails and is not defeated——

Mrs. HUTCHISON. Mr. President, I wonder if the Senator will yield on that point because I think there has been an error in the amount that we are talking about.

Mr. DURBIN. If I can say to my colleague, the Senator from Texas, I was only asking a question of the Senator from California who I believe has the floor.

Mrs. BOXER. And I will address this——

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. BOXER. I have a letter that backs up those numbers which I will put in the RECORD. I will continue to yield for a question.

Mr. DURBIN. The point I am getting to is, if the Hutchison amendment is adopted, then basically we are giving a discount to these oil companies from the amount they owe taxpayers for drilling oil out of public lands and selling it at a profit; is that the net impact of this amendment?

Mrs. BOXER. That is correct.

Mr. DURBIN. I know we are in an era of surpluses where we are trying to figure out ways to give away money, but I ask the Senator from California why would we decide to give money to oil companies at this point? Why adopt an amendment that would give them additional profits for drilling oil on lands owned by the taxpayers, the people of America?

Mrs. BOXER. Mr. President, I think this is a special interest rider. I have to say that, with all due respect. By the way, it doesn't give money to all the oil companies. It only gives it to the top 5 percent, the ones that are vertically integrated. Ninety-five percent of the oil companies are not affected, and they are paying the fair market value. They are paying the royalty based on the fair market value.

I ask unanimous consent, before yielding to the Senator for more questions, to have printed in the RECORD a letter from the Secretary of the Interior, which was based on the original Hutchison amendment, which addresses the question of the dollars lost. It is very clear what will be lost. In her additional amendment of 21 months, they calculate it at $120 million, and we are just paring it back to the 1-year number. We also have a letter from the Office of Management and Budget which clearly states that the rider, as it is before us now, will cost taxpayers about $60 million.

I ask unanimous consent to have those two documents printed in the RECORD when I complete my remarks.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, I object. I do want the Senator to be able to enter her documents in the RECORD, but I want to also have entered in the RECORD that the Congressional Budget Office has estimated it would be $11 million. That would be the cost to the taxpayers; that is, if the oil companies continue to drill. So she may——

Mrs. BOXER. Mr. President, may we have regular order.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I don't ever remember having one Senator object to another Senator putting a document in the RECORD. I am kind of shocked at that.

I ask, again, unanimous consent to have printed in the RECORD the two Federal agencies versus the one that back us up on our documentation. I ask unanimous consent that I be allowed to have those printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I will not object, as long as the RECORD also shows the CBO has said $11 million and that assumes people are not going to go out of business.

Mrs. BOXER. Mr. President, I have no objection to the Senator entering into the RECORD anything she wants, but I can say very clearly that we know what this is costing.

The Senator herself admits it is $11 million taken out of taxpayer pockets. We believe it is $66 million.

I continue to yield to my friend.

Mr. DURBIN. Mr. President, it is my understanding that these payments, these royalties come through the Federal Government and back to many of the States. Is my understanding correct?

Mrs. BOXER. Absolutely. In other words, if there is oil being drilled in Texas, it is on Federal lands, but the Federal lands are within Texas. Texas gets 50 percent of the royalty payment. I know in California, it is 50 percent if it is onshore and about 25 percent if it is offshore. In many of the States, including California, these funds go directly into the classroom and to the schools.

Mr. DURBIN. So in some of the States, for example, Texas and California, if the Hutchison amendment passes, there will be fewer dollars from these royalty payments coming back to the States of the two Senators engaged in this debate.

Mrs. BOXER. That is correct, and into the classrooms.

Mr. DURBIN. I ask the Senator, it is my understanding from her previous statement that many of the States have sued the oil companies saying: You didn't pay enough. You owed us more in royalties. You underpaid the amount you were required to pay for drilling for oil on federally owned public lands for profit.

Mrs. BOXER. My friend is correct. To be very specific, I will tell the Senator, the oil companies that are being so defended here have agreed in court to pay up not $1 billion, not $2 billion, but $5 billion to these States; in essence,

agreeing that they undervalued. Alaska got $3.7 billion, for example; California, $345 million. By the way, private owners are also complaining, and they have resolved some of the disputes for $194 million.

Mr. DURBIN. I ask the Senator from California, as a followup question, so I understand it completely, these private oil companies go on to public lands, drill for oil which they sell for a profit. They are charged a royalty based on the price of the oil. The impact of this amendment by the Senator from Texas would be to say to the Department of the Interior: You cannot recalculate the royalty to raise it. So we are protecting these oil companies from an increase in what they are going to pay taxpayers for drilling on public land, which means more money in their pocket. The losers are not only Federal taxpayers but States such as Texas and California and their taxpayers who lose the benefits of the money that might come back to them from these royalties?

Mrs. BOXER. My colleague is right. But it is even worse than that because a royalty payment is a contract. The oil companies have signed a contract. It says very clearly ''fair market value.'' It is not that the Interior Department wants to increase the percent, for example, that is paid; they just want to make sure the contract is carried out.

It says: The value of production for purposes of computing royalty on production from this lease ''shall never be less than the fair market value of the production.'' So all they are trying to do is correct a serious problem. And we know, because I can show my colleague another chart on posted prices versus the market prices of ARCO, I will show him what has happened. Right now the oil companies, these 5 percent of them that are cheating us, they base their royalty payment on what they call posted prices. They create the price. If we could show this to the Senator, look at the difference between the market price and the posted price. This is one oil company, but I could show my friend, every single one of these oil companies, by some kind of magic action, they have the same spread. And if you heard what the ARCO executive said, the former executive, they did this on purpose. They made the posted prices below the market price.

Mr. DURBIN. I only have three questions, and I will stop.

Mrs. BOXER. I appreciate my colleague asking as many questions as he wants.

Mr. DURBIN. The Senator made reference to a Wall Street Journal article where a former official from ARCO said—was this under oath or was it just a public statement in terms of their efforts to try to reduce the royalty payments to the Federal Government for this private company to drill oil on public land and make a profit?

Mrs. BOXER. The article that I quoted is Platt's Oilgram News—an oil industry newsletter. In fact, my colleague is right, they talk about a court case in which a retired Atlantic Richfield employee admitted in court——

Mr. DURBIN. Under oath.

Mrs. BOXER. Under oath, penalty of perjury, that while he was secretary of ARCO's crude pricing committee, the major's posted prices were far below the market value.

Mr. DURBIN. So this gentleman, no longer employed, conceded the point which you have been making during the course of this debate, that these oil companies are really cheating the Federal Government, the taxpayers of this country, because they are using our public lands and not paying a fair royalty payment for the oil they are extracting and selling at a profit.

Mrs. BOXER. That is absolutely right. They are basing their royalty payment on a price that is not reflective of the fair market value. It is a price they made up. It is as if one day you woke up and let's say you paid rent, which my friend probably does here in Washington, DC, and you just decided one day that the fair market value of the rent was lower than your lease.

Mr. DURBIN. My landlord wouldn't allow that.

Mrs. BOXER. He would not allow that. He would probably evict you. Yet what do we have here in this Senate. We have Senators standing up condoning this kind of behavior.

Mr. DURBIN. I ask the Senator from California, in my home State of Illinois, there are many small oil producers that are going through very difficult times. Some of them may not survive. There has been an argument made that we have to give this break, in the Hutchison amendment, to these oil companies to help these small producers and help the oil industry.

If I vote against the Hutchison amendment and go home to Illinois and face these small oil companies that are trying to survive in difficult times, will they be saying to me: You have just cut off the flow of money to us? What companies are affected by this Hutchison amendment?

Mrs. BOXER. First, let me say there are 777 companies that are not impacted at all by this Interior rule, but there are 44 companies that are impacted. Let me say to my colleague, I voted to help the small oil companies. I was proud to support the Domenici amendment. We took it up recently when we helped the steel companies. If we want to help the oil companies because they are having tough times, I will be right there. If there are reasons to help smaller companies, I am right there. And I have always been right there.

But it seems to me we can't stand on the floor of the Senate and help the largest oil companies—most of these are the largest; not all, but most—5 percent of the oil companies that are out-and-out cheating the taxpayers. We know it because it has been testified to in a court of law, and we know it because they have been settling these cases all over the country. My friend should feel very comfortable when he opposes the Hutchison amendment case that he is impacting only 5 percent.

(Mr. SMITH of Oregon assumed the Chair.)

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. Is the Senator aware of the fact that the Los Angeles Times, on July 20 of this year, in analyzing this debate, concluded by saying, ''not since the Teapot Dome scandal of the 1920s has the stench of oil money reeked as strongly in Washington as it is in this case''?

I ask the Senator from California, isn't it odd that on an appropriations bill we are considering a string of riders that are of such import and controversy, putting them on a spending bill instead of having a hearing so the oil companies could come in and try to defend, if they would like to, so the Department of the Interior can come in and basically explain why they think taxpayers across America are ripped off by this amendment? It seems to me to be an odd state of affairs that we have seven, eight, or nine different riders on this bill which really go to important, substantive issues that have not been addressed by this Congress during the course of this year. Does the Senator agree with me that this is an exceptional procedural issue to be taking up on a spending bill?

Mrs. BOXER. Well, I think it is not appropriate. I hope the Senator from Texas will not proceed with this. She knows if she does—and we are very open about this—we are going to be on our feet a long time. So we are going to have a cloture vote to see where this all comes out. I want to say this to my friend and then I will yield to my friend from Idaho.

Mr. CRAIG. I just have a question on procedure, not on the substance, if the Senator would not mind yielding.

Mrs. BOXER. I do mind yielding at this point. I don't want to lose my train of thought.

My friend is so right in his understanding of what this means. This is an example of legislating on an appropriations bill. This Hutchison amendment was put into the committee and stripped out because of the way it was put into the committee. It was stripped out. It has been defined and technically changed, and now it is being offered. But it is still the same thing. You know, you can put a dress on a hippopotamus and it still looks like a hippopotamus. That is what this is. This is a very ugly amendment.

I want to mention one thing in answering the question. I was very pleased that my friend read the Los Angeles Times editorial. It is a newspaper that now has Republican ownership. I think that is very important. I want to read a couple of other statements from it. I see my friend from

Wisconsin is here. Is he going to ask me a question as well?

Mr. FEINGOLD. Yes.

Mrs. BOXER. This Los Angeles Times article says, ''The Great American Oil Ripoff.''

It says:

America's big oil companies have been ripping off Federal and State governments for decades by underpaying royalties for oil drilled on public lands. The Interior Department tried to stop the practice with new rules, but Congress has succeeded in blocking their implementation, and will again if the Senate bill calling for a moratorium on the new rules proposed by Senators Hutchison and Domenici comes up before the Senate.

It has and here we are.

The large integrated oil companies, not the small independent producers, have been cheating the State and Federal Treasuries by computing their royalties on the so-called ''posted rights'' rather than the fair market price.

That is what we are talking about, computing royalties on posted rights, rather than fair market price.

It could be as much as $4 or $5 a barrel lower. The Interior Department estimates this practice costs the taxpayers up to $66 million a year.

Senator HUTCHISON says it is $11 million, and that is a lot; but we think it is $66 million, and so does the OMB.

Two years ago, Interior drew up rules that would stop the underpayment but Congress has blocked implementation.

They go on to explain:

The bottom line is, Congress should not buckle to the pressure of the oil companies, and the Hutchison amendment should be defeated.

Mr. CRAIG. If the Senator will yield briefly, I will leave the Senators to debate this. We have the Robb amendment on the floor. Several of us came to debate that, expecting it would be stacked for a vote in the morning. Obviously, you are going to continue this debate into tomorrow. I wonder what your plan is for the evening because it is predicated upon a unanimous consent agreement that we want to craft. If you plan to debate late into the evening, we will not stay.

Mrs. BOXER. No, we don't.

Mr. CRAIG. There are four Senators, including the Presiding Officer, who came to the floor because the Senator from Virginia was on the floor with his amendment. We hoped to debate that within the next 35 to 40 minutes if the Senator will consider yielding the floor.

Mrs. BOXER. I don't have any intention of talking more than 40 minutes. I will be yielding for a question. I thought the Senator came because he was drawn into this debate.

Mr. CRAIG. No. I just say I think it is a rather baseless debate, with a lot of politics.

Mrs. BOXER. I was trying to——

Mr. CRAIG. I will stay out of the substance.

Mrs. BOXER. I was trying to use a little bit of humor.

Mr. CRAIG. I am more interested in the timing for this evening, on behalf of five Senators.

Mrs. BOXER. I told my friend the time. I don't intend to go over 40 minutes.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. I will be glad to yield for a question.

Mr. DURBIN. Not only do I not think this is baseless, I want to touch all the bases so the Senator from Idaho can understand why we think this is worthy of debate on the floor of the Senate.

I ask the Senator from California this: We had a big debate about welfare reform and welfare ''Cadillacs.'' We are talking about welfare ''tankers'' here—$11 million—or $66 million going to these major oil companies. I say to the Senator from California, how many times have we done this? How many times have we postponed this decision by the Department of the Interior to give to the taxpayers of this country the fair share they are entitled to for these oil companies to use our lands—the lands of people who live in Illinois, California, Idaho, and Texas—to drill oil. How many times has the industry come in and, with an amendment similar to the one before us, tried to stop this recalculation?

Mrs. BOXER. This is the fourth time this amendment has come before the body. I have to say to my friend, I don't think it has ever gotten the attention it needs. To come in and say it is a baseless debate, when we are talking about as much as $66 million on top of the $88 million we have already lost from the three other times this amendment came before us, is unbelievable to me. It is unbelievable that we close our eyes to this kind of purposeful rip off, and to call it a baseless debate, I find that amazing.

Mr. DURBIN. If the Senator from California will further yield, is not the fact that these States have come forward in court and sued the oil companies successfully evidence of the fact that the oil companies have been underpaying the Federal taxpayers, as well as the State taxpayers, and this amendment will continue that?

Mrs. BOXER. That is absolutely correct. Let me reiterate what I said. In cases all across this country, there have been settlements in seven different States, and $5 billion has been collected from the oil companies in these settlements. Now, if the oil companies had such clean hands and they were paying their fair amount of royalties, I assure my friend they would not part with $5 billion—I didn't say million, I said $5 billion. I don't even know what $5 billion looks like in a room. All I can say to my friend is, it is more than we spend on Head Start in a year.

Mr. FEINGOLD. Will the Senator from California yield for a question?

Mrs. BOXER. Yes.

Mr. FEINGOLD. I ask the Senator from California this because I share her strong opposition to this amendment, which would allow oil companies to continue to underpay the U.S. Government in royalties for drilling on public lands. It is my understanding this rider was modified by the managers' amendment. But, as originally drafted, the rider blocks the implementation of new Interior rules to stop these underpayments, just as their implementation was blocked in the last Congress; is that correct?

Mrs. BOXER. Yes. This is the fourth time that this Interior Department ''fix'' to ensure fair royalty payments has been stopped in its tracks, unless we defeat the Hutchison amendment.

Mr. FEINGOLD. I know the Senator from California is obviously concerned about big windfalls for the oil companies. The Interior Department estimates that underpayments by the oil companies cost the taxpayers up to $66 million a year. I am wondering if she is aware of some of the largest oil companies that benefit from it.

Mrs. BOXER. I would be very pleased if the Senator could put that into the RECORD because I haven't done that.

Mr. FEINGOLD. They are not small mom-and-pop, independent producers. They are companies like Exxon, Chevron, BP Oil, Atlantic Richfield, and Amoco. I ask the Senator if she is aware of some of the campaign contributions that entities such as this put forward in order to achieve this end.

Mrs. BOXER. I am very glad the Senator put out some of the names of the big oil companies that would be impacted by this Interior rule that Senator HUTCHISON is trying to get. Fully 95 percent of the oil companies are not impacted. Only 5 percent are impacted. The 95 percent of the others are paying their fair share of royalty payments. That is something to be happy about. They are good corporate citizens paying their fair share of royalty payments based on fair market value just as they signed in their lease agreements with the United States of America. But it is the 5 percent of most of the large ones that are getting away with it.

I say to my friend that he is a champion of campaign finance reform. I am so proud to be associated with him on that issue.

I can only say to my friend that this issue was mentioned in the USA Today editorial, dated Wednesday, August 26, 1998, that big oil has contributed more than $35 million to national political committees and congressional candidates. They make the point. These are their words, not my words. They say that is a modest investment for protecting royalty pricing arrangements which enables the industry to pocket an extra $2 billion.

My friend is on a certain track. I think it is important.

Mr. FEINGOLD. I am grateful for the Senator's tremendous leadership on this.

She may be aware that from time to time I do something that I call ''calling of the bankroll''—interest in companies that contribute large sums of

money in terms of campaign contributions.

I am wondering if the Senator is aware that during the 1997–1998 election cycle oil companies gave the following in political donations to the parties and to Federal candidates:

Exxon gave more than $230,000 in soft money and more than $480,000 in PAC money.

Chevron gave more than $425,000 in soft money and more than $330,000 in PAC money.

I wonder if the Senator is aware that Atlantic-Richfield gave more than $525,000 in soft money and $150,000 in PAC money.

BP Oil and Amoco, two oil companies which merged into the newly formed petroleum giant, BP Amoco, gave a combined total of $480,000 in soft money, and nearly $295,000 in PAC money.

This is just some of the information we have. I don't know if the Senator was aware of these figures.

Mrs. BOXER. I say to my friend that I was not aware of those specific figures. It is very rare that I feel that if Congress goes along with something it is really part of an ugly situation. I feel that way here. I feel that we have enough information now to take a stand with the Interior Department, with the consumers, and with over 70 groups that stand with us against the Hutchison amendment.

I hope my friend will listen to some of these groups because my colleague, my friend from Texas, listed groups that were with her. I think it is important that we compare these groups, who they stand for, and who they speak for. They are with us on our side trying to stop this oil company rip off, stop the Hutchison amendment: American Association of Educational Services Agencies, American Association of School Administrators, the American Lands Alliance, the Americans Ocean Campaign, the Better Government Association, Common Cause, Consumer Project on Technology, Council of State School Officers, Friends of Earth, Funds for Constitutional Government, Government Accountability Project, Green Peace, the Mineral Policy Standard, National Environmental Trust, National Parks and Conservation Association, the National Rural Education Association, the National Resources Defense Fund, the Navajo Nation, Ozone Action, Public Citizens, Congress Watch, Public Employees for Environmental Responsibility, Safe Energy Communication Council, the Surface Employees International Union, and the Taxpayers for Common Sense.

They are with us on this.

The United Electrical-Radio Machine Workers of America.

These are just some of the groups that are opposed to the Hutchison amendment, for one basic reason: They believe the big oil companies, the 5 percent of them, are cheating the taxpayers.

These are all public interest groups.

Mr. FEINGOLD. I finally ask the Senator to make the comparison between the list that she just read. By and large these are very important groups that represent the average people of this country. There is no way four of them could get together and give $2.9 million as these four corporations I just described did. Obviously these four corporations want this rider to be a part of the Interior appropriations bill. It is the powerful political donors. They may well get their way despite the credibility of groups and interests that the Senator just indicated.

I, again, very much thank the Senator from California for her leadership on this.

I rise today to share my concern about the number and content of legislative riders to address environmental matters contained in the FY 2000 Interior Appropriations Bill. I hope that all provisions which adversely effect the implementation of environmental law, or change federal environmental policy, will be removed from this legislation when it returns to the floor.

I believe that the Senate should not include provisions in spending bills that weaken environmental laws or prevent potentially environmentally beneficial regulations from being promulgated by the federal agencies that enforce federal environmental law.

I want to note, before I describe my concerns in detail, that this is not the first time that I have expressed concerns regarding legislative riders in appropriations legislation that would have a negative impact on our nation's environment.

For more than two decades, we have seen a remarkable bipartisan consensus to protect the environment through effective environmental legislation and regulation. I believe we have a responsibility to the American people to protect the quality of our public lands and resources. That responsibility requires the Senate to express its strong distaste for legislative efforts to include proposals in spending bills that weaken environmental laws or prevent potentially beneficial environmental regulations from being promulgated or enforced by the federal agencies that carry out federal law.

The people of Wisconsin have caught on to what's happening here. They continue to express their grave concern that, when riders are placed in spending bills, major decisions regarding environmental protection are being made without the benefit of an up or down vote.

Wisconsinites have a very strong belief that Congress has a responsibility to discuss and publicly debate matters effecting the environment. We should be on record with regard to our position on this matter of open government and environmental stewardship.

I have particular concerns regarding several riders contained in this bill. I will site three examples of provisions of concern to me. I am concerned that we failed to strip the rider on the mining millsite issue. This is the second rider of this type we have considered. In Section 3006 of Public Law 106–31, the 1999 Emergency Supplemental Appropriations Act, Congress exempted the Crown Jewel project in Washington State from the Solicitor's Opinion. This rider, in contrast to the previous rider, applies to all mines on public lands.

I am also concerned that we have chosen to again include a grazing policy rider as well. It requires the Bureau of Land Management to renew expiring grazing permits under the same terms and conditions contained in the old permit. This automatic renewal will remain in effect until such time as the Bureau complies with ''all applicable laws.'' There is no schedule imposed on the Agency, therefore necessary environmental improvements to the grazing program could be postponed indefinitely. This rider affects millions of acres of public rangelands that support endangered species, wildlife, recreation, and cultural resources. The rider's impact goes far beyond the language contained in the FY 1999 appropriations bill, in which Congress allowed a short-term extension of grazing permits which expired during the current fiscal year. As written, this section undercuts the application of environmental law, derails administrative appeals, and hampers application of the conservation-oriented grazing Guidelines.

I also want to voice my opposition to the amendment that would allow oil companies to continue to underpay the U.S. government in royalties for drilling on public lands. I understand that this rider was modified by the manager's amendment, but as originally drafted the rider blocks the implementation of new Interior Department rules to stop these underpayments, just as their implementation was blocked in the last Congress.

This is a huge windfall for the oil companies—and as it is with so many special interest provisions that find their way into our legislation, to the wealthy donors go the spoils, while the taxpayers get the shaft. The Interior Department estimates that these underpayments by the oil companies cost the taxpayers up to $66 million a year. And the oil companies that enjoy this cut-rate drilling are not small independent producers. On the contrary, the oil companies that benefit are among the largest in the world. Names like Exxon, Chevron, BP Amoco and Atlantic Richfield.

I'd like to take a moment to Call the Bankroll on these companies, something I do from time to time in this chamber to remind my colleagues and the public about the role money plays in our legislative debates and decisions here in this chamber.

During the 1997–1998 election cycle, oil companies gave the following in political donations to the parties and to federal candidates:

Exxon gave more than $230,000 in soft money and more than $480,000 in PAC money;

Chevron gave more than $425,000 in soft money and more than $330,000 in PAC money;

Atlantic Richfield gave more than $525,000 in soft money and $150,000 in PAC money;

BP Oil and Amoco, two oil companies which have merged into the newly formed petroleum giant BP Amoco, gave a combined total of more than $480,000 in soft money and nearly 295,000 in PAC money.

That's more than $2.9 million just from those four corporations in the span of only two years, Mr. President. They want this rider to be part of the Interior Appropriations bill, and as powerful political donors they are likely to get their way.

I'd like to discuss one final rider, which undoubtedly deserves its own Calling of the Bankroll. Though I understand that this rider has now been modified by the substitute amendment, the underlying bill initially prohibited the use of funds to study, develop, or implement procedures or policies to establish energy efficiency, energy use, or energy acquisition rules. Unchanged, this language would have blocked federal programs which cut federal agencies' energy expenditures, save taxpayer funds, and contribute to reductions in pollution.

In conclusion, I think that delay of mining law enforcement is indefensible, as are the other changes we are making in environmental policy without full and fair debate. I hope my colleagues will join me in demanding that this bill be cleaned up in Conference.

Mrs. BOXER. I thank my friend and commend my friend from Illinois. I think their questions and their caring are very important to this debate. We have to take a stand on the floor of the Senate once in a while for average people—people who are faceless in this institution. They think it is dominated by the special interests. My friend from Wisconsin who works so hard every day to get the special interest money out of this Senate has made a very important point—that the very companies that are going to benefit from the Hutchison amendment have given huge contributions to Federal candidates and to Federal committees.

If you put that together, as my friend points out, with the retired ARCO employee testimony under oath that he lied 5 years ago—he admitted he was not truthful when he testified in the deposition that ARCO-posted prices represented fair market value. He goes on to honestly say he was afraid he would lose his retirement. He was afraid he would be fired. You put together the contributions from big oil with the testimony of this former ARCO employee, who sat in the room when the decision was made to stop taxpayers from getting their fair share—when you put that together with the recent settlements by many States with the oil companies, the oil companies saying to the States: Take your lawsuit out of here. We will pay you billions of dollars to go away. We will not go to court to try to make the case that oil royalty payments are fair. You put all of that together, and it adds up to a bad situation.

I would be so proud of this Senate if we stood together on behalf of the people and on behalf of the consumers against the bad actors in the oil industry, who according to this employee, said we will put off judgment day. We will go take our chances.

The senior executives of ARCO had the judgment that they would take the money, accrue for the day judgment, and that's what we did.

That is what he said.

He said this:

I would not have been there in any capacity had I continued to exercise the right they had given me to dissent to the process during the suggestions stage.

I know colleagues are here on other matters. I just felt it was very important to lay out the case against the Hutchison amendment. I will lay it out again and again and again if I have to. I hope I don't have to. I really could. I hope we can vote against cloture and hopefully rid this bill of this special interest rider that helps the 5 percent of the oil companies that are bad actors.

The 95 percent who are paying their fair share are doing fine; they will not be impacted by the Interior Department. It is just that 5 percent.

This is an important debate. It is not a baseless debate. It is debate on behalf of the hard-working taxpayers. It is a debate on behalf of everyone who pays rent or a mortgage payment every month. Imagine one day waking up and saying to the bank: Guess what. I don't like my mortgage payment. I'm paying less because it is no longer the fair market value as the day I signed up.

I think the bank would say: Renegotiating the interest rate is fine; but if you don't pay your fair share, we are taking you to court and we will repossess your house.

We cannot allow the top 5 percent of oil companies to act in an irresponsible fashion. I hope my colleagues will join with me, Senator DURBIN, Senator FEINGOLD, Senator WELLSTONE, Senator MURRAY, and many other Senators who feel very strongly about this and vote down the Hutchison amendment.

I ask unanimous consent the pertinent letters be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, June 24, 1999.

Hon. TED STEVENS,

Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on the Interior and Related Agencies Appropriation Bill, FY 2000, as reported by the Senate Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated. These views are necessarily preliminary because they are based on incomplete information, since the Administration has not had the opportunity to review the draft bill and report language.

The allocation of discretionary resources available to the Senate under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved, and the President has signed into law, nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such proposals as the FY 2000 appropriations process moves forward. In addition, we urge the Committee to reduce unrequested funding for programs and projects in this bill.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within the 302(b) allocations. However, it is our understanding that the Committee bill makes major reductions to critical requests for the President's Lands Legacy Initiative and for key tribal programs. We also understand that the bill may include a number of environmental provisions that would be objectionable to the Administration—and would likely not be approved by Congress, if considered on their own. We strongly urge the Committee to keep the bill free of extraneous provisions and to address the following issues:

Lands Legacy Initiative/Land and Water Conservation Fund (LWCF). The Administration strongly opposes the Subcommittee's decision not to fund major portions of the President's Lands Legacy Initiative. Overall, only $265 million (33 percent) of the $797 million requested in this bill for the Initiative would be funded. The bill would provide no funding for State conservation grants and planning assistance, and only a portion (11 percent) of the requested increase for the Cooperative Endangered Species Conservation Fund. It would also make significant cuts in State and Private Forestry grants. Federal land acquisition funding would be cut by more than half from the Lands Legacy request, from $413 million to $198 million. It would be short-sighted to gut this important environmental initiative, given the growing bipartisan recognition of the need for the federal government, the states and the private sector to protect open spaces and preserve America's great places.

Land Management Operations. The Administration commends the action of the Subcommittee to address the operational and maintenance needs of land management agencies in Interior and USDA. The Administration is concerned, however, with cuts in key conservation programs. For example, the bill would reduce requests for the Fish and Wildlife Service's endangered species program by $13 million (12 percent) and the Forest Service forest research program by $48 million (25 percent). Increased funding for key programs within the Forest Service operating program, such as wildlife and fisheries habitat and rangeland management, could be offset with reductions in unrequested and excessive funding for timber sale preparation and management.

Environmental and Other Objectionable Riders. The Administration strongly objects to objectionable environmental and other riders. Such riders rarely receive the level of congressional and public review required of

authorization language, and they often override existing environmental and natural resource protections, tribal sovereignty, or impose unjustified micro-management restrictions on agency activities. We urge the Committee to oppose such provisions. For example, the Administration would strongly oppose an amendment that may be offered that would prohibit implementation of the oil valuation rule. Such a prohibition would cost the American taxpayer about $60 million in FY2000.

Millennium Initiative to Save America's Treasures. The Administration strongly objects to the lack of funding for this $30 million Presidential initiative to commemorate the Millennium by preserving the Nation's historic sites and cultural artifacts that are America's treasures.

National Endowment for the Arts/National Endowment for the Humanities. The Administration strongly objects to the proposed funding levels for the National Endowment for the Arts and National Endowment for the Humanities. The Subcommittee's proposed $51 million (34 percent) reduction from the request would preclude NEA from moving forward with its Challenge America initiative which emphasizes arts education and access to under-served communities across America. The $38 million (25 percent) reduction from the request would preclude NEH from expanding its summer seminar series to provide professional development opportunities to our nation's teachers as well as broadening the outreach of its humanities programs. The Administration urges the Committee to approve funding for the Endowments at the requested levels.

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THE SECRETARY OF THE INTERIOR,
Washington, DC, June 30, 1999.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express my grave concern over the Interior and Related Agencies Appropriations Bill for FY 2000 reported by the Committee on Appropriations Bill for FY 2000 reported by the Committee on Appropriations. If the bill were presented to the President as it was reported from the Committee, I would recommend that the President veto the bill.

The bill contains a number of objectionable legislative provisions, three of which I'd like to highlight. The amendment on mill sites adopted by the Committee permanently extends the Mining Law's existing near-giveaway of Federal lands to include as much acreage as a mining company thinks it can use for mountains of mine waste and spoil. The amendment further tilts the Mining Law against the interests of the taxpayer and the environment, ignoring the need for comprehensive reform.

The extension of the moratorium on issuance of new rules on oil valuation will delay these rules for an additional 21 months. Revision of the way royalties are collected is urgently needed to assure the taxpayer a fair return. Extension of the moratorium cuts off the dialogue on how best to do this and will needlessly cost the taxpayers about $120 million in lost royalty payments.

It is also my understanding that the Committee adopted an amendment that could limit the implementation of the President's June 3 Energy Efficiency Executive Order to reduce Federal energy costs. Restricting the agencies' ability to improve energy efficiency in our buildings will prevent the Federal Government from saving taxpayer dollars, cutting dependence on foreign oil, protecting the environment through improved air quality and lower greenhouse gas emissions, and expanding markets for renewable energy technologies.

Although I appreciate your efforts in reworking the discretionary spending allocations in order to increase the spending limits for the Interior bill in the face of the limitations placed on you under the Budget Resolution, the funding amount proposed by the Senate denies funding to protect America's open spaces and great places for the future through the President's Lands Legacy initiative, as well as critical requests for land management, trust reform, other Indian programs, and science.

Overall, the reductions to the budget request seriously impair the Department's ability to be a responsible steward of the Nation's natural and cultural resources and to uphold our trust responsibilities to Indians. The 2000 budget sets a course for the new millennium providing resources that are needed to accommodate increasing demand and use of our public lands and resources. In this decade, visits to parks, refuges and public lands have increased up to 31 percent; the number of students in BIA schools has increased 33 percent; and the BIA service population is up by 26 percent.

In this regard, the Committee proposal does not provide sufficient increases to fully operate our National Parks, restore healthy public lands, rebuild wildlife and fisheries resources, clean up streams in support of the Clean Water Action Plan through Abandoned Mine Land grants, or improve the safety of schools and communities for Indians. At the funding level provided, we will be unable to meet the needs expressed by Congress for better stewardship of public lands and facilities, resolution of the Indian trust issue, and improved schools and quality of life in Indian Country. Further, the Committee eliminated funding for the Save America's Treasures program that preserves priority historic preservation projects of national scope and significance.

I urge you to reconsider the contents of the Interior bill and work with the Administration and me towards a more balanced approach. I look forward to working with you to address these concerns.

Sincerely,

BRUCE BABBIT.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I believe the matter before the Senate now is the amendment of Senator ROBB, and I ask consent of the Senator from California that her presentation, including all of her questions and answers, be included in the CONGRESSIONAL RECORD immediately after the speeches of Senators HUTCHISON and DOMENICI so that the debate on that subject be continuous, and that other speeches during the course of the evening be consolidated in the RECORD on the Hutchison amendment.

Mrs. BOXER. I thank my friend for his excellent idea. We should keep this debate seamless.

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

Mr. GORTON. Second, I have a unanimous consent agreement under which there will be two votes on the Bond amendment and a vote on the Robb amendment tomorrow morning that apparently have been cleared.

Before I present that, I say we will be in session long enough this evening for anyone who wishes to do so to speak on the Bond amendment. I believe the Senator from Illinois wishes to speak. The Senator from Missouri (Mr. BOND) may return for that subject. Senator HUTCHISON wishes to speak again on her amendment. There may be other speeches on that. There are three or four people here to speak on the Robb amendment. I want all of the speeches on each of these subjects to be consolidated into one point in the RECORD.

This unanimous consent agreement is not going to limit anyone's right to talk on any of these subjects this evening as long as they wish.

Mrs. BOXER. If the Senator will yield for a question, what is my friend's plan of action on the Hutchison amendment?

Mr. GORTON. I believe a cloture motion on the Hutchison amendment will be filed tomorrow to ripen sometime early next week. There will be lots of time for a discussion of that amendment before any vote on cloture takes place.

I hope during most of tomorrow, however, we will deal with other amendments that can be completed and dispensed with. By the time we get to a vote on the cloture, we are pretty close to the end of debate on this bill. I don't know if that is true or not. We will have dealt today in whole or in part with 4 of the 66 amendments that are reserved for the Interior appropriations bill. I trust some will go faster than many of those today.

I will state the unanimous consent agreement. Then I intend to speak briefly on the Robb amendment. I believe the Presiding Officer and Senator CRAIG will also speak on that.

UNANIMOUS CONSENT AGREEMENT

Mr. GORTON. I ask unanimous consent that immediately following the vote scheduled at 9:30 a.m. on Thursday, notwithstanding rule XXII, the Senate resume consideration of the Interior appropriations bill and there be 2 minutes equally divided prior to a vote in relation to the Bond amendment No. 1621; following that vote, there will be 2 minutes equally divided on the pending Robb amendment No. 1583. I ask unanimous consent no amendments be in order prior to these votes.

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

Mr. GORTON. In light of this agreement, I am able to announce for the majority leader that there will be no further votes today but that there will be three votes at 9:30 tomorrow morning and immediately thereafter.

I will speak to the Robb amendment.

Mr. DURBIN. Will the Senator from Washington be kind enough to yield for a unanimous consent request so we can make a record of the sequence of speakers?

I have been here for a while but other Senators have, too. I want to speak to the Bond amendment and I certainly yield to the chair of the subcommittee for his comments on the Robb amendment.

Is it appropriate to ask unanimous consent that after the Senator from

Washington completes his remarks, I be given no more than 10 minutes to respond to the Robb amendment?

Mr. GORTON. I have no objection.

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

AMENDMENT NO. 1583

Mr. GORTON. Mr. President, with respect to the Robb amendment which would strike section 329 of the bill before the Senate, perhaps the best way to begin my remarks on it is to read that relatively short section.

It reads as follows:

For fiscal year 2000, the Secretary of Agriculture with respect to lands within the National Forest Service and the Secretary of the Interior with respect to lands under the jurisdiction of the Bureau of Land Management, shall use the best available scientific and commercial data in amending or revising resource management plans for offering sales, issuing leases, or otherwise authorizing or undertaking management activities on lands under their respective jurisdictions provided that the Secretaries may at their discretion determine whether any information concerning wildlife resources shall be collected prior to approving any such plan, sale, lease, or other activity and, if so, the type of collection procedures for such information.

It seems to me there are fundamentally three subjects involved in section 329. The first is, of course, that it applies only to fiscal year 2000, the year covered by this appropriations bill. The second subject is that the two Secretaries managing these national lands shall use the best available scientific and commercial data in dealing with the plans they have for those lands. I can't imagine that there is any objection on the part of the proponents of this current amendment to that language. The third subject says that the Secretaries may, at their discretion, determine whether any additional information concerning wildlife resources shall be collected prior to approving these plans.

In other words, section 329 doesn't require these Secretaries to do anything. It simply grants them the discretion to act in a reasonable fashion.

A number of court decisions, pursuant both to the National Forest Management Act and perhaps even more significantly to forest plans already prepared by this Clinton administration and under the supervision of these Secretaries, have stated essentially that before any contract is entered with a private organization for the harvest of timber in national forests or on Bureau of Land Management lands, an extraordinarily expensive wildlife census must be taken, a census at least as detailed as the census of the people of the United States to be taken next year—on reflection, a census much more elaborate than the census of the people of the United States next year, as we are going to be asked to spend about $4 billion to count every person in the United States.

The cost of carrying out the activities required by our courts on our national forests, if we go forward, would be somewhere between $5 billion and perhaps $9 billion. These are matters that deal simply with endangered species. We already have injunctions and orders for the Federal Government with respect to protecting endangered species and not allowing them to be harmed by any of these commercial activities. These are, in effect, censuses of everything that exists in the forest, vertebrate and invertebrate, plant and animal species — the entire works. There are, of course, other decisions on the other side of this issue. Section 329 attempts to deal reasonably with these requirements.

The very groups that brought these actions, various environmental groups, have made two arguments over the course of the last 10 or 12 years that perhaps predominate over the balance of their arguments. The first is that we should stop engaging in timber sales in which the Federal Government—either the Forest Service or the Bureau of Land Management—lose money; that below-cost timber sales are not a wise investment of the resources of the United States of America. At the same time, of course, they advocate positions, and have succeeded in front of some courts with those positions, the net result of which will be that there can never be a timber sale that is not below cost. The cost of any one of these surveys on any public lands will exceed the value of the timber located on the land. That, of course, in turn, is in pursuit of the second goal of many of these environmental organizations, specifically including the Sierra Club, and that goal is that there should be no harvest, no harvest under any circumstances, on any of our public lands of any of our timber resources. That is a formal position of many of the environmental organizations including those that have been plaintiffs in this litigation.

The net result of these decisions is the success of that latter policy. The United States of America is not going to spend $9 billion, or $5 billion, engaging in these particular surveys. It is not a provident expenditure of our money. There is no money in this appropriations bill for such elaborate courses of action under any set of circumstances.

As a former head of the Forest Service under President Clinton, Jack Ward Thomas said: This whole idea is designed to make this survey and management system unworkable. Scientists are not looking for these creatures in the first place. The Clinton forest plan, which has reduced by about 80 percent harvests on the public lands—in the Pacific Northwest, in any event, it already set aside 84 percent of our national forests essentially as wildlife refuges. The other 16 percent has been considered by this administration for a harvest in the Pacific Northwest of about 1 billion board feet a year. This was the President's forest plan, his promise in his campaign in 1992 to the people of the Northwest, somewhere between one-fifth and one-sixth of what was the historic harvest.

The President has not been able to keep that promise, even using his administration's present forest policies. He has not reached that particular goal. The harvest under these decisions will be zero because the cost of preparing the sales will simply be too great.

This is not a policy—the policy of the present enjoined forms of wildlife surveys—that comes from an administration that has been hell-bent for leather to harvest trees in the forests either in the Pacific Northwest or in the Southeast, the location of the 11th Circuit, by any stretch of the imagination. Nor is this discretion being given to officials in the Department of Agriculture and the Department of the Interior who are bound and determined to cut the last tree. This, I want to repeat, is a 1-year provision—that is to say it will apply only through most of the rest of the Clinton administration—granting discretion to the Secretary of the Interior, Mr. Babbitt, and the Secretary of Agriculture, to use their present relatively reasonable systems of determining whether or not some small portions of the 16 percent of the national forests not set aside for wildlife purposes can be the subject of timber harvesting contracts. It does not require the administration to follow exactly the procedures it has been following with the Northwest forest plan and its plans for other forests at all. It simply says if in their discretion they think they have done enough, they can go ahead and meet their own very modest goals of at least providing a modest harvest of our timber in our national forests. That is all. It is neither more nor less than that. It is not a mandate. It is authority to very green, very pro-environmentalist Departments of Agriculture and Interior to engage in activities of this nature.

It is very clear the goal of these lawsuits and the goal of the organizations that have brought these lawsuits is not to get these surveys done. The goal is to see to it that the cost of entering into preparing for any contract for the harvest of timber is so high that none of them will be worth doing. But the effects of those lawsuits, and therefore the effects of this amendment, do not apply only to timber harvesting contracts by any stretch of the imagination. They will apply to any new or different use of any portion of our national forests and of our BLM lands. They will apply equally to the building of campsites or the improvement of campsites or other recreational uses of the forest system itself. As a consequence, the effect of these present lawsuits is to make de facto wilderness areas out of all of our national forest areas and to prohibit any improvement for human recreation, other than that allowed of wilderness areas itself, as well as of any timber harvest. It is an extraordinary set of policies that are essentially advocated by the Robb

amendment, a set of policies based on the proposition from some national environmental organizations that there should be no productive use, no economically productive use, of our national forest system whatsoever.

The section 329, which really should not have been contested at all, is simply to grant this Clinton administration, for 1 year, the right to go ahead with the extremely environmentally sensitive forest plans that it has structured during the course of the last 6 years, not only in the Northwest part of the United States but in the Southeast part of the United States and Texas and in every other place, either BLM lands or Forest Service lands, and allows them to go ahead. If the President does not want them to go ahead, if the policies are those advocated by these organizations in these lawsuits, nothing in this section 329 prohibits them from adopting those policies. But what it does require is that it will require the President to say: Whatever I told the people of the Northwest, whatever I told the people of other parts of the country about a balance, about the proposition that there were certainly some of our national forests that were appropriate for productive use, for the provision of jobs and for the provision of timber resources of the United States, I now have changed my mind. We are not going to do it at all.

If he wants that as a policy, it is not barred by section 329. But he will not be able to hide behind a court decision and say he is trying to do something and trying to abide by a court decision that is impossible, that sets conditions that are impossible economically to meet. We are not going to spend the amount of money necessary to conduct these surveys. The surveys are not needed. They are not worth it. We either choose to deal reasonably with these issues and allow this President and this administration to conduct the modest harvests that they have thought were appropriate, or we are saying we are not going to have any harvest at all, and in all probability we aren't going to have any new recreational activities on our national forests as well.

Simply stated, that is the issue: Do we trust this administration not to go overboard in the nature of harvesting, do we believe this administration to be environmentally oriented or not?

Most of us, and I think I speak for the Presiding Officer as well as myself, do not think these forest plans are appropriately balanced as they are, but they do provide for some economically productive use of our forests, a productive use that is totally barred under these certain court decisions, whether they are correct or not correct, and which we allow the administration to politely and courteously either abide by or say no, we have a better and more balanced way of doing it.

I think it is overwhelmingly appropriate to reject this amendment, to trust this administration not to go overboard in timber harvests by any stretch of the imagination, and to allow it to keep the promises it has made for a period of more than 6 years to the people of timber-dependent communities all over the United States of America.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

AMENDMENT NO. 1621

Mr. DURBIN. I thank the Chair for recognition. I misspoke earlier. I wish to speak to the Bond amendment, not the Robb amendment.

The Bond amendment is another one of these legislative riders on spending bills. It is an attempt to change environmental policy with an amendment to the appropriations bill for the Department of the Interior. The reason it is being done this way, of course, is it avoids any committee hearing, any opportunity for any witnesses or public input.

There are seven, eight, or nine different environmental riders that have been attached to this spending bill. The administration has indicated that unless they are removed, there is a strong likelihood that an otherwise good bill will be vetoed by the President because riders, such as the one I am about to address, go way too far.

One might wonder why I am addressing the issue of a national forest in Missouri since I represent the State of Illinois. I am from downstate Illinois. I was born in East St. Louis, and the Ozarks are an important recreational area for everyone who lives in the region. It is not only a regional treasure but a national treasure which has been recognized by a designation as a national forest.

Last year, the attorney general of Missouri, Jay Nixon, joined environmental groups in petitioning the Secretary of the Interior asking him under his authority, under the Federal Land Policy and Management Act, to remove from access to mining 400,000 acres in the Mark Twain National Forest.

Those of us who live in that region know this is an especially popular area of the Ozarks. The watersheds of the Current, Jacks Fork, and Eleven Point Rivers are in this region. Many of my friends and family go to the Ozarks for canoeing. They love it because of its pristine beauty, and they believe the attorney general, Jay Nixon, was correct when he petitioned the Secretary of the Interior to preserve this area and to stop it from being used for lead mining.

This is Federal public land that a private company, a lead mining company, wants to come in and mine for profit. The Interior Department has the authority to say no, it is important environmentally and we should not allow this kind of commercial use. That is what they would do were it not for the amendment being offered by the Senator from Missouri.

The Senator from Missouri, Mr. BOND, wants to remove the authority of the Department of the Interior to protect the Mark Twain National Forest from lead mining. Is this a popular concept? It probably is with some companies. Not only the attorney general of Missouri but the Governor of Missouri has written protesting this action being taken by this Bond amendment.

Governor Mel Carnahan from Jefferson City, MO, has written and said:

> I believe you will agree the watersheds of the Current, Jacks Fork and Eleven Point rivers are among the most beautiful and pristine areas of Missouri. These crystal clear streams are great recreational assets which should be protected for future generations to enjoy.

He goes on to say:

> The environmental risk of lead mining and potential for toxic contamination of these pristine waterways are well understood. The Interior Secretary's authority to protect sensitive public lands should be preserved.

He says to my colleague from Missouri:

> I respectfully request you withdraw your amendment.

But that amendment has not been withdrawn. It will be voted on tomorrow.

I can say further there are groups across Missouri that oppose this invasion of a pristine area, a watershed of the Mark Twain National Forest, for the purpose of lead mining. The St. Louis Post Dispatch, the largest newspaper in the State, has editorialized against this and has said, frankly, that this is an effort to allow this company to come in and mine an area which is of critical importance to the people of Missouri.

The Kansas City Star, an equally influential paper, has come to the same conclusion that the Bond amendment is a mistake, a mistake which threatens the watersheds of the crystal clear streams of the Current, Jacks Fork, and Eleven Point Rivers.

For those who believe this lead mining operation is somehow antiseptic and will not leave a legacy, I say they are wrong, and the scientific studies have proven that. We know what is going to happen if we allow these companies to come in and mine lead in this beautiful area. We know the potential for contaminating the streams. We know the potential for leaving behind the waste from their mining operations.

Some might argue that it is worth it because it creates jobs, and yet study after study reaches the opposite conclusion.

This is primarily a tourist area, a recreational area recognized all around the Midwest. To defile it with lead mining to create a handful of jobs for mining purposes is to jeopardize the attraction of this area for literally thousands of people in the Midwest and across the Nation. That is why it is such a serious mistake. I daresay if this amendment had been offered on an ordinary bill, there would have been a long line of people to come in and testify, not only environmentalists who

oppose the Bond amendment, but certainly those who are in authority in the State of Missouri, Governor Mel Carnahan, Attorney General Jay Nixon, as well as many other groups of ordinary citizens who believe this is a national treasure that should not be defiled so one company can make a profit.

On the spending bill for the Department of the Interior, this is another one of the environmental riders designed to benefit a private interest at the expense of American taxpayers who own this public land, at the expense of families who enjoy this recreational area, at the expense of people who look forward to a weekend on the Current River because of its beauty.

Frankly, this is a big mistake, and I hope the Senator from Missouri will have second thoughts before he calls it up for a vote tomorrow morning. I hope he will listen carefully to the leaders in the State, as well as the environmental groups, who are standing up for one of the most precious resources in Missouri.

I hope he will join them in saying the Mark Twain National Forest and the watershed of these great rivers are worth protecting, worth preserving, and should not be allowed to be invaded by a lead mining company that wants to come in and mine on Federal public lands at the expense of this great national resource.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I rise in opposition to the motion to strike Section 329 of the Interior appropriations bill. This section is necessary to counter an extremely adverse ruling by the Eleventh Circuit Court of Appeals, which has just been described by my colleagues, as well as a preliminary injunction recently handed down by Judge Dwyer in the U.S. District Court.

The case before Judge Dwyer involves the implementation of the Clinton-Gore Northwest Forest Plan, which was unveiled in 1993. At the time, President Clinton said that it ''provides an innovative approach for forest management to protect the environment and to produce a predictable and sustainable level of timber sales.''

The real travesty here is that the supporters of Section 329 are trying to fulfill the commitments made by this Administration in 1993, and we are now doing so over the objection of the Administration.

The Northwest Forest Plan was supposed to be the Clinton Administration's historic compromise between timber harvesting and the environment. For National Forests covered by the Plan, timber harvests were reduced by 80 percent. Apparently, that wasn't enough for those who want no timber harvests, because they are again challenging implementation of the Plan in Court.

While Judge Dwyer issued a preliminary injunction against the sales directly challenged in the case, the effect of his August 2, 1999, ruling is much broader.

The Forest Service and the Bureau of Land Management have made a decision not to award any previously-auctioned sales until the lawsuit is resolved. Further, the agencies do not plan to offer any additional sales until their supplemental EIS on survey and manage is completed and approved.

While the Forest Service claims this will be completed by February of 2000, history tells us that this EIS will be appealed and litigated. In fact, the Forest Service hasn't produced a region-wide EIS for the Northwest for 10 years that hasn't been litigated.

The current or planned sales affected by Judge Dwyer's ruling contain about 500 million board feet of timber. Since there will be no future sales until the EIS is completed, the total volume affected could be 3 times that high.

Further, because many of these sales have already been awarded, if they are enjoined and operations are delayed, or if the government is forced to cancel these sales, the government will be potentially liable for hundreds of millions of dollars in damages.

Because so little volume has been sold to date, and is therefore available to purchasers, the injunction of this volume will lead to immediate mill closures, increasing the government's liability for damages.

The issue in this case involves the Administration's implementation of one part of the Clinton-Gore Forest Plan, concerning surveys for 77 rare species of fungi, lichens, mosses, snails, and slugs, and for a small mammal called the red-tree vole. Six years into the 10-year plan, the agencies still do not know how to conduct surveys for 32 of the rare species.

None of these species is threatened or endangered. Although these surveys are only one piece of the Plan, the consequences of the case are potentially enormous.

The real fallacy of the survey and manage requirement is that we are only going to survey on those lands where ground-disturbing activities—such as recreational improvements and timber sales—are planned. In the National Forests covered by the President's Plan, this amounts to about 12 percent of the total forest base that is still available for multiple use.

This is not going to tell us about the overall health of these species, since we aren't going to be looking for these species in the remaining 88 percent of the land base.

Unfortunately, it could also apply to needed forest restoration activities such as prescribed burns and reforestation on other selected parts of the forests, thereby delaying these activities and increasing their costs.

It is unfortunate that the Clinton-Gore Administration ever included this provision in the Northwest Forest Plan.

But having done so, it is a travesty that the Administration's failure to effectively implement the plan has resulted in another injunction that will further erode our timber communities.

With respect to the Eleventh Circuit Court of Appeals ruling, it requires surveys for all ground-disturbing activities.

This means not only timber sales, but recreation improvements and forest management activities. Some preliminary cost estimates put the nationwide implementation of the Eleventh Circuit court ruling at $9 billion. It is a Trojan horse rolled in by candidate Clinton to destroy an industry.

Therefore, we should make the public policy decision that we will allow forest managers to use the best available commercial data in amending or revising resource management plans, as Section 329 stipulates.

This is the standard for data under the Endangered Species Act.

The language in Section 329 does not preclude the Secretaries of the Interior and Agriculture from gathering additional data.

It simply gives the Secretaries more discretion to meet land management objectives in a timely manner.

Section 329 is designed to give the Clinton administration officials exactly the flexibility in land management that they argued for in court.

I am deeply saddened that in the face of the economic crisis about to be visited on my constituents, the President isn't 100 percent behind retaining this language.

This isn't an agonizing choice for me at all. If I have to choose here between surveying for red tree voles or keeping hundreds of Oregonians employed in family-wage jobs, I will vote for families.

I know that there are those who don't think the language in Section 329 is the best language possible.

I will commit to work with my colleagues and the Administration to see if we can improve this language. But I will strongly oppose efforts to strike it.

I urge anyone who has a National Forest in their State to support retention of Section 329.

If the Eleventh Circuit Court ruling is ever applied nationwide, we will have tied the hands of professional land managers with an expensive, time-consuming and ineffective requirement.

I believe my colleague from Virginia has the best of motives, but I only wish he could go with me to rural Oregon and see the human consequences of what he proposes.

I began my political career in 1992 running for a rural seat in the Oregon State Senate. It was the same election year that now-President Bill Clinton sought the Presidency. I watched as an opponent of his campaign with admiration for the skill with which he came to my State and reached out to those in the rural communities and made some very dramatic promises, some promises which he said would protect

the environment and ensure a sustainable harvest of timber.

He carried my State. He carried your State, Mr. President, with these same promises because a lot of people wanted to believe in him.

I have noted with great interest that recently the President —and I applaud him for this—has gone to rural Appalachia. I don't know whether he went to parts of the State of the Senator from Virginia. I know he went to West Virginia, and he decried poverty levels that are lamentable and awful. But there are parts of my State as a result of his forest policies which are in worse shape than those he visited in Appalachia.

I rise today with a lot of emotion in my heart because I think the truth has not been told and promises have not been carried out.

I have recently come from a town hall meeting in Roseburg, OR, where people are finally looking at oblivion because their jobs are directly dependent upon the sales that have now been enjoined by Judge Dwyer in the district court of the Ninth Circuit.

I hope I can reach the heart of every one of my colleagues because this stuff matters in human terms. I wish they would have a more honest approach and say: We don't want any more harvest of timber; let's shut it all down. At least that would be honest. This isn't.

I wish they could see the kids in John Day, OR, who go to school 4 days a week because they can't afford to open the school for 5. I want my colleagues to understand what they are voting for. If you distill this down, this is about pitting a survey of fungus, snails, and slugs against children and families who need streets and schools.

Now, lest you think the last pine tree in Oregon is about to go down, I am sorry to disabuse you. You can't stop timber from growing in my State. We went to the CRP area not far from where I live. There are wheat fields that formerly were in wheat that were left to go to nature, and there are Ponderosa trees going up everywhere. They are 12 feet high now.

I know what the New York Times says. I know what the Washington Post says. But like some of my colleagues, they have never been to my State. They have never looked into the eyes of the schoolchildren who, frankly, don't have an adequate education because the Federal Government made promises to them and their county officials and their school officials that are being denied to them in a very dishonest and disingenuous way.

I am angry. It is not right. It is not right to go win an election and then supposedly put up a program that is to provide for the environment, to provide a sustainable yield, and then through subterfuge make sure it doesn't happen, when you have a year to go in your term, when you are decrying poverty elsewhere in this country, but you are creating it in my backyard.

I don't think the Senator from Virginia would offer this motion to strike if he could go with me to Roseburg, OR. It has been a long time, has been a lot of heartache, a lot of pain, but it is getting old. It is almost over. Here you and I are defending the President's plan, trying to help him live up to his promises. I want the American people to know that the Clinton-Gore forest plan, at the beginning at least, was honest enough to say: The traditional harvest you have had, we are going to cut it by 80 percent, by 80 percent. The reality is, it is not even 10 percent of what is delivered, and now what we are seeing is there is going to be nothing delivered.

That isn't right. A sustainable yield of 20 percent is all that was promised, and yet even that apparently is another mirage.

Well, I know the President wishes we didn't have to do a rider, but it is the only tool left because we are running out of time. Your proposal is for a year to allow the Federal courts to allow these sales to go forward. Without the Clinton-Gore forest plan, these sales would be fine; these meet the Endangered Species Act, but somehow in the creation of this plan, they have put in a survey system that isn't economical. It isn't going to happen. It isn't even necessary. It is a fraud. It is a way to undermine their own promises.

Well, history tells us this is not going to happen now. I regret to tell the people of rural Oregon that the Clinton forest plan is a failure to them.

Another irony. I heard my colleague from Virginia say he read a letter from the Forest Service about their newfound position on this issue. Why didn't they argue that in court? If it was an argument to be made a month ago, why isn't it still a good argument. They have reversed course. Why? Is it only about politics? I think people are sick of that. I think people are ready to be told the truth, and they thought they had been told the truth by the President, at least when it came to his forest plan. I regret to tell them that apparently they have not been.

What is at stake? In Judge Dwyer's ruling, about 500 million board feet of timber. By the way, to my colleagues on the other side, if you think by killing the forest industry in this country you are somehow saving the environment, you are the best friend the Canadians and the New Zealanders have ever had because the U.S. demand and use of timber is not going down. It is going up. We have just exported those jobs. So we pat ourselves on the back that we somehow have taken care of our forests, even though it is growing at record rates and subject to catastrophic fire. Even though we pat ourselves on the back, we are pillaging our neighbors' land.

I am simply saying, the promise of the President to have a sustainable harvest and a good environment are possible, but it isn't possible with this. We are trying to help the President make it possible.

I am saying what is being asked for by the courts now, as required by the Clinton-Gore forest plan, is a survey for 77 rare species of fungi, lichens, mosses, snails, slugs, and for a small mammal called the red tree vole. Well, the agencies don't know how to conduct these things. They don't even know some of these species. The amount of land that is at issue is 12 percent of 100 percent of the land, so 88 percent of the land is not going to be surveyed, only the area where they are digging around. No one contends that any of these things are endangered at all. What is endangered is rural people, creating a new Appalachia with chronic poverty. We are doing it in my State while he decries it in his State. That isn't right, not when they have been promised something better.

I conclude my remarks by pleading with my colleagues not to put in an artificial requirement that we will not fund, which is not necessary and which can be adequately provided for, by the way you described it, by giving to the Secretaries of the Interior and Agriculture the power to do what they already do under the Endangered Species Act, by giving them that power and allowing these things to go forward and keeping some promises. Why don't we keep some promises around here?

I want my colleagues to know this is about a survey versus families. It is about snails and slugs versus streets and schools. I ask you to oppose the motion to strike this amendment. What is being done here is wrong. It has human consequences, and we in this Senate ought to be bigger than that.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I listened with interest to the impassioned plea of my friend from Oregon. Last week, we sold a lumber mill in Montana. Darby Lumber went down because they could not get logs. Mills are hauling logs in from Canada, 500 miles, and it is like my friend from Oregon said—we are decimating our neighbors' lands because we have not had the nerve to be honest with the American people.

To give you an idea, up in the northwestern part of Montana, we are growing about 120 million board feet of lumber a year. The Forest Service makes plans to harvest about 19 million board feet. The truth is, America, we will be lucky if we harvest 6 million board feet.

Opposition to section 329 flatly contradicts previous positions taken by the environmental community and this administration on the best methods for protecting wildlife. Section 329 would restore to the administration the authority to plan and account for wildlife protection by surveying habitat—a method employed for over two decades and that has been approved by seven Federal courts, including three circuit

courts of appeal. The recent Eleventh Circuit decision contradicted this consensus judicial opinion and would require the agency to provide protection to wildlife by counting—not once but twice—the number of members of each of 20 to 40 management indicator and sensitive species before undertaking any ground-disturbing activities in our national forests—be it timber harvesting, be it watershed restoration, be it trail building, be it maintenance, or be it for the prevention of fire. I guess this is one reason you can't run a pretty good ranch or a pretty good farm that depends on renewable resources by a committee, for the difference of opinion on how we should do things. If left to that, we would never get in a crop. America would never have a substantial, sustaining supply of food.

The emphasis the Forest Service has placed on habitat availability instead of counting the members of individual species is exactly the policy advocated by the environmental community. I wonder, at this time when they change the policy, what is the motive here? What is the motive? Is it us against them? I don't think so. I don't know of anybody who stands in this body to decimate the environment. But I wonder, of all the fires that are burning in the West today, if a little management on fuel buildup could not have prevented some of those. But somebody thought a mouse was too important that we can't disturb the land, and it burns.

Virtually every environmental organization has insisted the law be reformed to address habitat protection and away from narrow species-by-species focus. Indeed, the provision in the Endangered Species Act that the environmentalists most frequently quote in both the Senate and the House, and in Federal courtrooms across the country, is the first phrase in the statement of purpose in section 2(b):

> The purposes of this Act are to provide a means whereby ecosystems upon which endangered species and threatened species depend may be preserved.

Now, we can argue on philosophy, but I think we are arguing on politics, and what is at stake is families. Also, what is at stake is the forest itself. I invite the Senator from Virginia to go with me this weekend. I will take him up in the Yak, where we have infestation of the pine beetle, dying trees, and a forest that would just shock him. It would absolutely shock him to his shoes. He would be devastated, looking at that forest. Yet the environmental community has made up its mind that we are not going to harvest; we are going to let it burn. I don't think that is why the Senator from Virginia wore the uniform as long as he did, to protect that kind of mismanagement of the country he so loves, or even the people he so loves.

The administration has been even more adamant in insisting on a habitat approach to wildlife protection. That is what they told us when they first came to office. It has championed two land management concepts—ecosystem management and biological diversity protection—that rely entirely on methodologies which concentrate on habitat rather than individual species. Certainly, ecosystem management is a fancy way of saying habitat management. I don't have very many of those fancy words; I have to write them down.

But it is funny what you can see from horseback. Sometimes you can see over tall mountains and tall buildings and over very high-minded ideas that don't work. They have never worked; they never will work. So, too, when biological diversity is considered, conservation biologists insist on treating habitat as the source of wildlife and plant diversity and resist focusing on individual species. They have always done that.

We have embraced that philosophy and that approach. That means we can do something about managing our land in the highest standard of environmental protection and still harvest the crop with which the God above has so blessed this country.

Finally, the capstone of this administration's wildlife policy is the habitat conservation planning and incidental take, permitting it is conducting with private landowners helping them provide habitat for endangered species.

How can a man stand here and even talk about endangered species when you have only one crop that you get paid once a year for and you see wolves killing right out of your own pasture not 300 feet away from where you live? And there is not a thing you can do about it.

Does anyone want to go out and face that man and tell him and his family, well, we have some folks that like to hear that yipping and howling? After they get done with their kill, they will go across the creek, which is only about 400 yards, and they will lay there and they will rest until they get hungry again. That is almost unbelievable to me.

That is what we are talking about here. We are talking about something that doesn't work. We are talking about people who are very smart and very intelligent but have little or no wisdom—higher than thee, elitist—who prevent men and women who were born of the soil, born of the land, worked the land, and will die and go back to the land. I guess one could say we are all just circling the brink because that is where we are going to go. Maybe you never know how that is going to turn out.

Despite the solid momentum away from attention to single species and toward consideration of habitats, we now see the very advocates of this approach criticizing it in their attacks on section 329. I wonder how they will feel when they are successful in stripping 329 from the bill only to discover that the U.S. Forest Service—one of the first agencies to adopt a habitat approach to wildlife protection—must now abandon it to follow the expensive—in fact, it is too expensive. We know that the money will never be appropriated. So it will not be done. It is an outdated process of counting individual members of one species after another, like I said, not once but twice. I am just asking that we have an attack of common sense—just common sense, everyday common sense that the rest of America uses every day just to subsist.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor to visit with my colleague from Virginia who has offered an amendment to strike section 329 of the Interior appropriations bill. I am pleased that he is on the floor. I am extremely pleased that he listened with great attention to the Senator from Oregon and the Senator from Montana, and that he will listen to this Senator from Idaho whose State is 63 percent owned by the Federal Government and whose policy as to how those lands are managed is determined on the floor of the Senate by this Senator, the Senator from Virginia, and others.

I listened to the Senator this afternoon as he offered his amendment to strike section 329. I must tell you that I listened with a degree of frustration, certainly in no disrespect to the Senator, but to what I sensed was a lack of understanding of what has brought us to this issue and why the Appropriations Committee found it necessary at this moment in time to speak out and to clarify public policy that the Senator from Virginia is trying to undo.

The Senator from Montana, the Senator from Oregon, myself, and others from large public land and forest States have grown tremendously frustrated not by just this administration but by public policy that puts all of us at odds. That arguably does not provide the kind of environmental protection many of us would like and that would allow the balance between environmental protection and under that important umbrella the effective use or utilization of our resources like timber.

So we had a judge in the Eleventh Circuit who probably really has never been West, nor does he understand the West, make a ruling on a ground-disturbing activity of the Forest Service on its lands and say that you haven't studied thoroughly enough how that activity contributes to the demise of a plant, a fungus, a slug, a snail, or an exotic animal. This judge went against decades of science, and even nine court decisions that had largely said the Forest Service was doing an adequate job in its overview of the endangered species responsibility under the Endangered Species Act through an environmental impact study.

The Senator from Oregon was talking about the judge's decision in the Eleventh Circuit being picked up by the

judge in the Ninth Circuit, and without any real consideration, just arbitrarily spreading across the pages of his decision: Well, if it is good enough in the Eleventh Circuit, it is good enough in the Ninth.

Ironically, in the Ninth Circuit, what the Senator from Oregon was talking about was the most comprehensive, above the level of science that has been practiced, reviewed, and mandated under the President's own forest plan. There was a comprehensive effort between the Forest Service and U.S. Fish and Wildlife Service and National Marine Fisheries that all aspects of the disturbance would be studied before these timber sales or other activities would go on.

As a result of that, I think it is tremendously important for the Senator from Virginia to understand—I serve on the Appropriations Committee—we did not attempt to do anything extraordinary. We just tried to say in public policy that what the judge in the Eleventh Circuit had done, what the judge in the Ninth Circuit was doing, and what a judge in Texas has already picked up on is really outside science.

A committee of scientists empowered by this Secretary of Agriculture, Dan Glickman, just this last year reported back to the Department of Agriculture and to the U.S. Forest Service that the science they were using that the judge in the Eleventh Circuit knocked down was the right science—that you use indicator species, that you didn't need to get out on the ground and count every plant, or animal, or microorganism.

It was unnecessary to do this to determine the kind of impact that a ''Ground disturbing activity'' would have on the ground. But it was very important for the state of the science involved to use the indicator species concept that had been used and upheld in nine different court decisions as the right approach.

I guess what I am saying to the Senator from Virginia tonight is how long do we fight? How long do we see this kind of conflict that stops all kinds of activity before the Senator from Virginia is willing to stand up with the Senator from Idaho and do what is our responsibility, and that is crafting sound public policy that disallows the courts and the judges from being the public land managers of our States.

Yet the Senator from Virginia tonight says: I want the judge to decide.

But he didn't really quite say it that way, and it would be unfair. What he is saying is, let the process continue to go forward.

I am extremely disappointed that the chief of the Forest Service is not in the gallery tonight saying to the Senator from Virginia: You shouldn't be doing this.

What the Senator from Washington, Mr. GORTON, put in this legislation allows the Forest Service to continue to do what the courts and a team of scientists said is the right thing to do: That is, when you are doing these surveys use the appropriate science, the indicator species, in making the determination as to how to mitigate for a surface-disturbing activity. However, the chief of the Forest Service isn't here tonight nor was he willing to stand up and speak out loudly.

What this administration I think is saying, and I trust that it has to be as reasonably disturbing to the Senator from Virginia as it is to this Senator from Idaho, is continue to work through the court process. We think we can work this out.

Ironically enough, their working it out means they have already lost 3 lawsuits, they have already lost 3 times. They are still saying: Trust us, we know how to work it out.

Even the forest plan that the President himself staked his public land reputation on is in the tank out in Oregon, Washington and northern California. Thousands of people will be out of work this winter because this President wouldn't stand up and ask his chief of the Forest Service to fight for what he originally said he thought was right.

He says: Let us work through the court process.

How long will it take? We don't know. A year, until after the next election? Possibly.

What is most important for the Senator from Virginia to understand is that what is in 329 is not outside the law. Let me read the language:

> The Bureau of Land Management and U.S. Forest Service shall use the best available science and commercial data in amending and revising resource management plans for and offering sales, issue leases or otherwise authorizing or undertaking management activities on, land under their respective jurisdiction.

Where does the language come from? Not out of the mind of the Senator from Washington who is the chairman of the Interior appropriations subcommittee. It comes out of endangered species law. It comes out of the act itself. It is the operative language that drives the Endangered Species Act. It is not new language. It is not new law.

Then we go on to say,

> Provided that the Secretaries may at their discretion determine whether any additional information concerning wildlife resources shall be collected prior to approving any such plan, sales, lease or activities.

Full discretion to the secretary, to the managing agency. Not new law. Empowering them to do the right thing with their scientists and their expertise. That is what we are doing. We are empowering Bill Clinton. We are empowering Mike Dombeck, the chief of the Forest Service. Yet they are saying, just work this out through the courts. What if they lose the fourth time and it is a year from now and nobody is in the mills and nobody is working and thousands of people are out of work in Oregon, Washington and northern California?

Or should we talk for just a few moments about the activities on the George Washington and the Jefferson National Forests in the home State of the Senator from Virginia? Not much timbering in his home State, but there is a lot of ''people'' activity, a lot of trails, a lot of management and road building. Flood control in the Cascade National Recreation Area, a contract involved with repair and construction of four bridges and relocation of portions of the trail and stone structures and retaining walls. All of it is surface-disturbing activity; all of it because someone didn't like it, a lawsuit is filed, and a judge stops it because the Forest Service doesn't know how to do these kind of things.

No, not at all. Because the Forest Service didn't examine whether repairing an old trail wall disturbs a lichen or a moss on the wall of stone that was originally put there by man himself. That doesn't make much sense, does it? But that is exactly what striking section 329 will do.

I wish the Senator could stand up and say let's abide by science, let's not play this out in the courts anymore. Let's empower the chief of the Forest Service and the assistant secretary of agriculture and the President himself. I don't find myself on the floor of the United States very often defending this President. I don't think he has had good public land policy. But in one area where he really tried, now he himself will not even defend his effort. His chief of the Forest Service is trying to avoid the pressure by environmental groups who see this exactly the way the Senator from Oregon spoke to it this evening: A way to turn the forest off.

They will not only stop logging, they will turn your forests off. They will attack any surface-disturbing activity, even if it is a trail, a trail head, or a campground that may facilitate the very citizens of the State of Virginia who enjoy their public lands and their two national forests.

As the Senator from Virginia knows, in the mid-1970s we passed the National Forest Management Act. That was to direct the most comprehensive review of every forest in the United States. From that was to come a management plan and a way to execute that plan. The Senator from Virginia knows as do I that he and I and the taxpayers spent nearly a quarter of a billion dollars developing those plans. It was the most comprehensive land-planning exercise in the history of the world. We developed computer models. We looked at every aspect, every watershed, all of the character and the nature of this public land. It was right that we did so. Our forests now operate under those plans. Every activity was viewed through a grid that determines whether they are endangering a species of any kind. That is what I spoke to a few moments ago. However, that whole effort cost a quarter of a billion dollars, or near that.

What the amendment of the Senator would do, and if the courts were to win—not the policy makers that we

were elected to be, but a judge, an appointed judge who does not know one thing about the forests in Oregon or Idaho because he is reviewing an activity in a forest in the State of Georgia, he is saying get out there on your hands and knees with as many scientists as you can muster and count and look at every little tidbit.

The Senator from Oregon went through that litany of mosses, snails and critters tonight. It is estimated, just estimated, that to do that kind of an evaluation on an acre-by-acre basis across the landscape of the public forests of our country would cost 5, 8, or $9 billion dollars. The Senator from Virginia knows, as do I, we will not appropriate that money. That kind of money doesn't exist and that kind of money should never be spent on this kind of activity. The scientists who are good scientists—not judges, and not environmentalists who want to see the world shut down—are saying that the standards and the tests and the indicator species and the work that is being done today is thorough, adequate and responsible. Yet the amendment of the Senator denies that because that is the exact language that was put in this section of the appropriations bill.

Why is it important we do it now? We heard from the Senator from Oregon. I have been to John Day and I have been to Roseburg. Those are mill towns. Those are little communities with millions of acres of public timber land around them. The people who live there make their livelihood from logging. It has changed some because logging has diminished dramatically in those areas.

But what the action of the Senator from Virginia is doing, if he is successful, is it turns off those timber sales, nearly 500 million board feet of timber that would keep those mills operating through the winter and into the spring. Because no longer do we operate on a 3-year pipeline, they call it, where you have timber adequate in the pipeline for a 3-year period. That ended with the Clinton administration. Now we are on nearly a timber sale by timber sale basis.

Yet, remember the reduction in timber sales that the Senator from Oregon talked about? We are not talking about cutting anywhere near previous levels. We have an 80 percent lower cut in 8 years. And even that which this President said was adequate, right, responsible and environmentally sound, a judge now arbitrarily has taken away. So that is why we are on the floor this evening. This is one of the most time sensitive amendments, directly relating to jobs and people's well-being, that is in this legislation.

Let me close by one other analysis. I was in one of my communities, Grangeville, Idaho County, Idaho, a big county right in the heart of my State, with 70-plus percent, 80 percent public lands. In one of those communities they started their school year with no hot lunch program. Why? Because a huge portion of their budget came from timber sales, the Twenty-Five Percent Fund. The Senator may be familiar with it. For every tree that is cut, the counties and the schools got 25 percent of the stumpage fee. We are not cutting trees in that area anymore, even though there are millions of acres of trees there. As a result, the school had to decide whether to have an athletic program or hot lunch program for the kids. They are struggling, taking donations from the community to have hot lunches. I don't know whether that's happening anywhere in Virginia, taking donations to have a hot lunch program to feed kids. But the Senator's amendment has an impact on that kind of caring event.

I wanted to personalize this because I don't think, when the amendment to strike came to the floor, there was an understanding of the immediacy of the impact of this kind of decision. It was just some neat environmental vote that we would have because that is what a lot of the environmental community wants. This is a test vote of some kind.

It is not a test vote on anything other than a political idea. It does not bear out consistently good policy because we have good policy in this area. We have scientists from around the world saying we do it better than anyplace else. Yet a judge simply said no, you don't. You don't do it the way I think it should be done, and therefore I want you to do it differently.

That is the crux of the debate. There are all kinds of opinions around it. But I must say, to an administration that has three times lost this battle in court, for them to step up now and say, trust us, let's work it out, without an alternative plan, with the idea we will work it out and get to the point and they lose another lawsuit and we are 12 months down the road and the people in Roseburg or John Day are not back to work?

It is not impacting my State at this moment. But here is what happens in my State. It is like a West Virginia-Virginia relationship. If they are not cutting trees in Oregon, even under the President's plan, and these mills are deprived of trees and people are out of work, that mill operator comes into Idaho looking for timber sales. He bids up the price well beyond where it ought to be, takes a timber sale out of Idaho, puts those logs on a truck and heads them west over the Cascades into Oregon just to keep his people working.

So my mill in Orofino, or a place like that, is with less timber at a time when we are hardly cutting any timber. And we have simply pitted one against another. That is not good policy either. But ultimately that is what can happen and that is what will happen in my State, even though this judge's decision at this moment does not impact us.

But failing Congress' ability to establish and clarify this policy issue, some group will file a lawsuit and argue on the premise of the judge from the eleventh and the judge from the ninth circuit, that those kinds of effective studies were not done on a given disturbing activity in my State. Then it will apply further into my State.

Those are the issues. I hope our colleagues are listening tonight. I understand we will debate this tomorrow some, but we will vote on it.

To reiterate, I oppose the amendment by Senator ROBB that would remove Section 329 of the Interior Appropriations bill. This effort is misguided and I strongly urge my colleagues to understand the need for this Section if our national forests are going to continue to function. The Section simply clarifies that despite recent circuit and district court decisions, the Secretaries of Agriculture and Interior maintain the discretion to implement current regulations as they have been doing for nearly 2 decades.

During the past two decades, nine separate court decisions have backed the way the Forest Service has been conducting their surveying populations by inventorying habitat and analyzing existing population data.

On February 18, 1999, the Eleventh Circuit Court of Appeals determined that the Forest Service must conduct forest-wide wildlife population surveys on all proposed, endangered, threatened, sensitive, and management indicator species in order to prepare or revise national forest plans and on all ''ground disturbing activity''—not just timber sales. Never before has such an extensive, and frankly impossible, standard been set by the courts.

Another ruling on August 2, 1999, in Federal District Court in Seattle, on a similar case, jeopardizes the President's Northwest Forest Plan, and has already begun to stop most if not all ground disturbing activity in the Northwest.

These rulings result in paralysis by analysis. It would require the Forest Service to examine every square inch of the project area and count every animal and plant—even every insect—before it approved any activity.

The cost to carry out such extensive studies—studies which have never been required before—could be approximately 9 billion dollars. How do we do this? Because the Forest Service does contract for population inventorying on occasion. A population trend survey requires two studies. If we extrapolate from the $8,000 cost of one plant inventory, we reach $38.1 million for the 864,000 acres within the Chattahoochee National Forest where this decision originated. If applied to the 188-million acre national forest system, the cost reaches $8.3 billion.

We appropriate roughly $70 million for forest inventory and monitoring. Are we prepared to shift the $9 billion necessary for this new standard? If not, this recent interpretation forces the Forest Service to shut down until the Agency can apply the new standard.

The purpose of Section 329 is not to change the court decisions or set a

new, lower standard. It is simply to clarify that the existing regulation gives the discretion to the Forest Service and the BLM when determining what kind of surveys are needed when management activities are being considered.

Some of my colleagues would argue that this is an issue for the authorizing committees to deal with. I agree. This is an issue that absolutely should be dealt with by those committees. They need to determine whether the agencies have been correctly interpreting their regulation for the past 17 years. They need to determine whether it is sufficient to inventory habitat, rely on existing population, consult with state and federal agencies and conduct population inventories only for specific reasons.

But I argue that the appropriations process should not be made to bear the burden while the authorizing committees study the question. All section 329 does is to preserve, for the next year, the status quo as it existed on April 8, 1999. Otherwise, our already limited resources will be further overwhelmed if we are required to fund this new standard.

I urge you to oppose this amendment and support sensible management.

We are appropriating roughly $70 million for forest inventory monitoring this year. There is only $70 million in the Federal budget. Yet it is now estimated that this will literally cost us billions of dollars if the Senator from Virginia and the Senator from Idaho cannot stand up and look some of our radical friends in the eye and say: That is not good policy. You are not the policymaker and your lawsuits and your judges are not either. We are. We were elected to craft policy. The Senator from Virginia and I are responsible only if we take that kind of leadership position.

That is the kind of leadership position that Senator GORTON took in the appropriations bill. He did not go outside the law and he did not go outside practice. He mandated and requested the Forest Service of the United States act responsibly, under the Endangered Species Act, and gave them the guidelines to do so. That is what section 329 does.

That is leadership. Falling back into the arms of the judge and simply seeking the will of the courts is not. I hope my colleagues would join with me tomorrow and oppose a motion to strike.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, first let me address my colleague and friend from Idaho, who is one of the four Senators who have spoken against this amendment on the floor and tell him first of all I appreciate the sincerity of his remarks and the concern he shows, and his colleagues have shown, for those who face economic hardship because of any decision that might be impacted by the Federal Government. I would have to say in particular, with respect to the distinguished Senator from Oregon talking about some of the people in communities which he has visited, the same phenomena has occurred to all of us at one time or another. All of us truly feel the intense pain that those families suffer. In many cases that suffering comes to them because of activities that have been taken in terms of Federal trade policy, sometimes because of innovation in various manufacturing techniques, modernization of equipment—lots of reasons that long and established communities are adversely affected. Any of us who do not relate to that and have a sense of compassion—we may disagree on a particular item at a particular time, about what is the best way to approach a particular challenge that we face, but I don't think any of us lack compassion for those families or want to be in a position where we are doing anything that hurts more than helps. In this particular instance, I would have to say one of the comments made by my friend from Oregon was ''let science decide.'' That is really what is at issue here.

We see the issue differently. But in this particular case, science has determined at this point, and the board of scientists the distinguished Senator referred to has suggested, that there are means of establishing the health of the forest that will require indicator species measurement. None of the decisions require counting all species, every single species. In fact, the only species I am aware of that is measured in terms of every single member of the species is the Condor count. That is a truly endangered species. I know of no other. There may be.

In any event, we are talking about doing something. The reason these cases were decided the way they were and other cases were decided differently is because the rules that had been established, the plan that had been established by the Forest Service, and that they had agreed to follow, wasn't followed.

The Northwest forest plan came about in very large part because of the timber wars, the very difficult situation that every Member of the Northwest delegation of this body remembers.

As a result of the compromise that was entered into, opened up some logging—I recognize the 80-percent factor the Senator from Idaho and others have used—at least some logging was conducted and the gridlock that had existed prior to that time did not continue. They have been operating under this provision, the Northwest Forest Plan since that time.

I have heard repeated references to costs that are clearly beyond anything anyone associated with the Forest Service, BLM, the Interior Department, or the Agriculture Department would consider possible, or can even understand frankly, because we have claims of $5 billion to $9 billion, and no one in the administration is talking about anything that would cost anything in that range.

The essence of the court decisions were on a very limited scope. The court said, if you tell us that this is the plan you want to put into effect, that you agree to put into effect, then the least you ought to do is try to follow that plan.

The problem in the Eleventh Circuit, if my memory serves me correctly, was with 32 of the 37 species, absolutely nothing was done. The court is in the position of saying, we will give great deference to the Forest Service, to other administrative agencies, to regulators, to anyone else who is involved, but you cannot simply do nothing and expect us to simply say it is OK not to pay attention to your own rules and regulations.

That is what both of the cases are about, and that is what distinguishes the cases which trouble the Senators from the Northwest from the other cases.

In the other cases, the judge was able to rule in such a way that the logging could continue, whatever land disturbing operations could continue. We are not talking about a situation where every single species, some of which none of us could identify if we were given a chart of all the species involved because they are so rare, had to be counted. That is what indicator species are for, to simply be able to track in some limited way some species as an indication of how all the species are faring under various changes that might affect those particular forests or those particular areas. That is really all we are saying.

In this particular case, the Forest Service, BLM, the Interior Department, the Department of Agriculture, and the heads of those agencies have said that section 329 is likely to cost a great deal more money, is not likely to do exactly what they purport to address but have exactly the opposite effect.

In this particular case, the Agriculture Department, the Interior Department, the BLM, and the Forest Service make it very clear that what is proposed is more likely to be counterproductive, but that is beside the point. They are acknowledging that a standard has been recognized by the Eleventh Circuit case and that they did not meet that standard. They believe they should be held to the standard, and that is what they are prepared to do. That is what adaptive management practice is all about. This is not the kind of absolute foreclosure that my friends on the other side have represented it as.

Plans are underway right now to address the challenges that were put to the management agencies by both decisions. I submit the concern for the Ninth Circuit case is considerably greater on the part of my friends from the northwestern part of the United States than the Eleventh Circuit.

Nonetheless, the decisions simply said to the Federal agency involved: If you say these are the rules that you are going to follow and you agree these are the rules that should be followed, and the scientific community has said this is the way we can make the rational assessments and achieve the kind of balance that we are looking for, then you ought to do that.

I share the frustration. There is always an enormous frustration factor when you are dealing with a situation that seems to be beyond the control of those who are most affected by it. I am particularly sensitive to the State of Idaho where so much of the land is owned by the Federal Government, owned by the people of the United States, and that makes this forum for decisionmaking so much more important, in many cases, than it is for other States where the percentage of our total land, the percentage of our total economic activity is less affected by decisions that are made right in this particular Chamber.

The bottom line again is simply if the agency agrees to a particular course of action, if the action is rational, and reflects the fact we are not using the forest just as a place where logging can be carried out, but where recreational and other environmental elements are valued, then that one activity must be balanced against the others.

In this particular case, a rational approach has been devised. It is flexible. It is being addressed at this particular moment. An additional environmental impact statement is in the process of preparation.

The only real change that will come about from where the law is now, the only real change is whether or not the public ought to have an opportunity to participate and comment on the process. That is the only real change that would be brought about by this particular rider, other than attempting to legislate on an appropriations bill, thus bypassing the administration, regardless of what party is in power, and bypassing the legislative process, bypassing the authorizing committee to which these arguments could be addressed.

I am not at all insensitive to the concerns that have been raised by my colleagues who represent this particular area. Indeed, I want to work with them and the Forest Service, the BLM, the Interior Department, and the Agriculture Department to see if we cannot find ways to address the specific problems that those communities, particularly those that have no other opportunity for economic activity, are faced with at this particular time.

The way to do it is not to put an environmental rider on an Interior appropriations bill which bypasses the Federal administrative process, bypasses the legislative process, and simply attempts to write into law something that has not been approved by either section and which is, indeed, actively opposed by representatives for both.

Mr. President, I see no one else who I believe wishes to address this particular matter. We will have an opportunity to provide closing arguments tomorrow before this is taken up.

I do not believe we have asked for the yeas and nays. I request the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ENZI. Mr. President, I rise in opposition to this amendment and to express my concerns regarding the increased bureaucratic burden it would place on the backs of America's rural communities. This amendment would require the Forest Service to conduct forest-wide wildlife population surveys on all proposed, endangered, threatened, sensitive, and management indicator species in order to prepare or revise national forest plans, and in every area of each national forest that would be disturbed by a timber sale or any other management activity. Such a requirement would put a virtual freeze on all Forest Service activities and would serve as a death knell for rural economies.

For more than fifteen years, the Federal Government has been at war over how to manage our Western lands. The result has been 15 years of gridlock that not only locks up public lands and threatens the health of our national forests, but it also locks up rural economies which have suffered from dramatic economic disruption.

Economies in rural communities are not like economies in more urban settings. Rural economies cannot make the kind of rapid adjustments that are available to more populated areas. When a timber company of about 50 people goes out of business in rural America, even though its number of employees may seem small under urban standards, those fifty employees can make up 20 to 30 percent or more of the local work force.

Just as important, however, is the impact that this kind of amendment will have on the future of forest health. The biggest threat facing America's forests today is the overriding threat of destruction by catastrophic wildfire. This threat is particularly strong in the West where our nation receives very little annual rainfall.

Without a proactive forest health program that thins out the ever increasing vegetation from our forest floors, we are only setting ourselves up for disaster.

Haven't we learned anything from the debate over the Wilson Bridge? When local communities decided to improve the Wilson Bridge along the infamous Washington Beltway they learned near the end of their process that they had to go back and complete a full blown EIS. Because of this regulatory requirement, the Wilson Bridge now will not be built for another two or three years. In the meantime, traffic will continue to back up and it will take longer and longer to navigate around our nation's capitol. This kind of regulatory gridlock never used to happen on the East Coast, but it has been a common occurrence in the West. I can guarantee you, however, that these kinds of regulatory activities will continue until we receive regulatory relief and learn that increased regulation does not necessarily mean we are protecting the environment.

If we are seriously going to protect our environment, we need less regulation and more proactive programs particularly on our national forests. The worst thing we could do, then, is add to the gridlock and adopt this kind of amendment.

Mr. CLELAND. Mr. President, I rise today to voice my support for and cosponsorship of Senator ROBB'S amendment to remove the Section 329 rider from the Interior Appropriations bill. This rider would undermine sound science in wildlife management in my state and across the nation. It would suspend U.S. Forest Service and Bureau of Land Management requirements to research and monitor certain wildlife populations, integral requirements that the agencies themselves adopted as early as 1982. I strongly support this amendment and believe that we should remove this rider.

Section 329 attempts to overturn a recent court case, Sierra Club versus Martin, issued by the 11th Circuit, which confirmed the agencies' duties to monitor certain wildlife species in order to make credible and well-informed management decisions. The 11th District Court unanimously ruled that the Forest Service was not properly performing its responsibilities to inventory ''rare'' species in the Chattahoochee and Oconee National Forests as mandated by its own Forest Management Plan. The court's decision does not expand monitoring requirements, but merely ruled that the absolute failure to collect any data or implement any monitoring of indicator and sensitive species was not legal.

Monitoring the health of ''indicator'' and ''sensitive'' species is both sound science and good wildlife management. Indicator species act as proxies for other wildlife in the forest. That is why monitoring of indicator species was included in the 1982 implementing regulations of the National Forest Management Act and is included as an integral part of forest management plans adopted by the agencies. If we ignore what is happening to these ''indicators,'' we are ignoring the impacts on the whole forest. Collecting new and important data is the only way to ensure that our land mangers are using the most up-to-date and accurate scientific information. By limiting decisions to ''available'' science as this rider would dictate, Section 329 turns a blind eye to the information we need to make the best possible management decisions.

I understand that some argue the best ''available'' definition is the same

rigid standard set forth by the Endangered Species Act. While true, this is a complete misrepresentation of the law's intent. The intent of best ''available'' information for Endangered Species is to encourage swift listings of animals so that we avoid risking the extinction of such animals. Associating this definition with determining the status of animals in a National Forest section scheduled for timber harvesting runs completely contrary to the intent of the Endangered Species Act version which is to protect species. Applying this definition when making forest management decisions risks the habitat and future of both ''sensitive'' and ''endangered'' species by not having accurate and current data upon which to make these decisions. Each forest manager will be without guidance and our national lands will be managed according to the whims of individuals rather than the interests of the public.

In my own state of Georgia, National Forests provide a refuge for black bear, migratory songbirds, native brook trout, and an incredible diversity of aquatic species. Some of these species are already listed under the federal Endangered Species Act. Many more may be listed in the future if we ignore the warning signs. The smart, economical approach is to monitor and conserve ''sensitive'' species before they reach a crisis state and are listed on the endangered species list. By avoiding such listings, we have the maximum amount of flexibility and the costs of conservation are low. Unfortunately, Section 329 discourages land managers from doing just that.

I understand that, in reaction to the court decision, the regional forester for the Chattahoochee and Oconee National Forests is amending its forest management plan and this rider completely short circuits that process. Amending the Forest Management Plan is the proper method for handling these kinds of issues. It allows for Public Comment and Participation and also allows for Sound Science to be utilized and reviewed. The Forest Service has stated that this rider, ''Overrides a Federal Court Ruling, agency regulations, and resource management plans that require the Forest Service and Bureau of Land Management to obtain and use current and appropriate information for wildlife and other resources before conducting planning and management activities.'' Note the language that resource management plans require the agencies to obtain and use current and appropriate information. It does not say, see what data you can scrounge up and use that.

Considering the Senate's recent debate on Rule 16, it is clear that this rider is attempting to legislate on an Appropriations bill. I believe that contentious authorizing language such as this should have the benefit of a full review by the authorizing Committee which has jurisdiction over these matters. These important decisions should not be done through an environmental rider on an appropriations bill.

In closing, it is clear that the Forest Service's own National Forest Management Act regulations require monitoring of certain, but not all, resident wildlife to ensure that land managers are using the most up-to-date and accurate scientific information in their decisions. Now, I understand that every single species of plant and animal cannot and should not be documented in these inventories. However, I believe that in order to protect species from becoming threatened and endangered, the Forest Service must employ effective measuring techniques which will provide accurate estimates. These estimates are critical to making sound management decision. I believe that this rider short circuits both the Senate's ability to provide proper oversight and the Forest Service's process for amending forest management plans.

I urge my colleagues to remove this rider and vote in favor of this amendment. I thank my colleagues and yield the floor.

Mr. ROBB. Mr. President, seeing my friend from Texas on the floor, knowing that she has plans to address another of the pending amendments, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. I do intend to address the issue of my amendment, but first I ask unanimous consent that privileges of the floor be granted to William Eby during the pendency of the Interior appropriations bill.

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

AMENDMENT NO. 1603

Mrs. HUTCHISON. Mr. President, as was unanimously consented to earlier in the evening, Senator GORTON requested that all of the arguments on the Hutchison amendment be put together. So I ask unanimous consent that my remarks be put following the Boxer remarks on the Hutchison amendment, which I think is the next in line, in order to keep them in the same area so that they will follow along.

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

Mrs. HUTCHISON. Mr. President, I do want to address some of the issues and some of the facts that were misstated by the Senator from California because I think it is very important that the RECORD be set straight. I attempted to correct the Senator from California while she was speaking, but she preferred to continue to speak, so I want the RECORD to be very clear on some of these important facts.

First, the Senator from California and the Senator from Illinois made much of the testimony of a former executive from Arco who had testified, they said, under oath that oil companies had in fact misstated and actually tried to hide the value of the oil and not pay their fair share in oil royalties to the State of California and the City of Long Beach.

In fact, I am very pleased that they brought that up because the case has actually been settled just in the last couple weeks. In fact, the Senators from California and Illinois mentioned that several oil companies had settled because they, for whatever reason, did not want to go forward with the costly litigation. But Exxon decided not to settle, and the Arco employee did testify in the Exxon case, under oath, that the oil companies were misstating the value of the royalties they owed to the State and to the City of Long Beach.

This case went to a jury, a jury in California of 12 citizens. The jury found that the Arco employee was not credible. The jury of his peers determined that the Exxon Corporation had not cheated the taxpayers of California or the City of Long Beach, and they threw out that suit from Long Beach and the State of California. Exxon showed that it had not undervalued its oil. This was a suit for $750 million.

So the Arco executive who testified under oath was in fact discredited in the court, and the jury found that the Arco executive was not persuasive. I say that because so much was made of it, as if the case had gone the other way. But 12 citizens in California got together and the jury verdict was in favor of Exxon.

But having said that, I have said from the very beginning that the lawsuits are not an issue. If any oil company did not value correctly under the present law or regulations, they ought to pay. So it has never been an issue. You would think, from the rhetoric of the Senator from the State of California, that this amendment had something to do with companies not paying their fair share under the present law. Nothing could be further from the truth.

In fact, what we are talking about is changing the valuation of oil royalties. We are talking about unelected Department of Interior employees, who have no accountability, usurping the rights of Congress to set tax policy in this country and affect oil jobs to a huge extent.

The fact of the matter is, what we are trying to do with the amendment, with the Hutchison-Domenici amendment, is we are saying we want it to be fair, we want to continue the moratorium until the Department of the Interior has a fair valuation that accedes to the wishes of Congress, because Congress makes the laws. That is the prerogative of Congress. That is the responsibility of Congress. And it is further the responsibility of Congress to stand up when they delegate authority to a Federal agency to make a rule and that Federal agency does not do what Congress intended for it to do.

Only Congress can step forward and say: No, we did not intend to raise oil royalty rates the way you intend to do it, so we are going to put a moratorium on your rule until you do an oil royalty

rate that is simpler, fairer, will be right for the citizens of our country and right for the oil industry that is very important to this country. So that is what we are talking about today.

I did not like the tone of the rhetoric that ''oil is bad,'' that ''big oil is worse,'' that ''everything about oil companies is bad.'' I thought I was back in the 1960s when it seemed that ''business was bad.'' Well, business is people. Business is jobs. Business is people.

My heavens, why wouldn't we want business to be successful in America so that we have jobs in America? Sometimes when I hear people talking about the ''big bad oil companies,'' I think: Do you want more foreign oil, more foreign jobs, rather than American jobs and American revenue?

I think we have a choice here. Those ''big bad oil companies'' are the basis of the California teacher retirement system pension plan. They are a very important part of the stability of retirement for California teachers, and Texas teachers, for that matter, and probably Illinois teachers as well, because the big oil companies have been a stable source of dividends for maybe 100 years.

I don't know when the big oil companies first started, but they have been good citizens for our country. They are the basis of pension plans and retired people's security all over our country, and they do create thousands of good jobs.

So I do not think we have to beat up on oil companies. They are part of our economy and they are part of the security of our country. And, oh, by the way, since 1953 they have paid more than $58 billion for the right to drill on the people's land—$58 billion in oil royalty payments.

If they did not pay their fair share, I want them to pay their fair share. So talking about settlements and lawsuits is not really an issue, even though a jury of their peers in California did find that Exxon had not cheated in any way.

That isn't the issue. The issue is, we want them to pay. In order for them to pay a fair share, they need to be able to know exactly what they owe, and that is why we hope the MMS will simplify the regulation. In fact, the MMS refuses to even abide by its own previous rulings. So an oil company that is trying to do the right thing goes to a previous ruling on how oil is valued in a particular place, in a particular way, and the MMS says: No, we are not going to be bound by what we did in another case.

That walks away from the value of precedent that is the hallmark of our judicial system and the regulatory system in our country. In most instances, the IRS most certainly abides by its previous rulings. They give opinion letters that people can rely on so they can pay their fair share of taxes. Courts set precedents with rulings every day so people will know what the law is and what they must do to comply. Not the MMS. They have one opinion here and one opinion there. Congress asked them to make it simpler, and they have gone far beyond what Congress intended. It is our responsibility to make sure they do what is right for the taxpayers of America. That is what the Hutchison-Domenici amendment will assure they do.

This is not an industry that has had an easy time in the last year and a half. In fact, oil prices have been lower than ever in the history of our country, adjusted for inflation, $7, $8 a barrel, a lot of that because of the glut of imported oil on the market. We have lost half a million jobs in the oil industry in the last 10 years. We are importing 57 percent of the oil in our country. If we have bad oil royalty principles, it also affects natural gas, which is the most important substitute fuel in many of our coal burning areas. Natural gas is much cleaner, better for the environment than coal. So when you start tampering in a negative way with the oil royalty rates, you also are going to affect the price and availability of natural gas, because natural gas, of course, is a byproduct of drilling for oil. If you discourage our American companies and our American people from being able to get our own oil resources, you are also cutting back on our supply of natural gas. That could be dangerous to our economy and dangerous to the people who live in our country who depend on natural gas to heat their homes.

I think it is important we put this in perspective. It is important we look at what we are talking about. Senator BOXER said the new rule would only affect 5 percent of the oil companies, and it would be just the big oil companies. She said she supports small oil companies. Well, I hope she will, because if she will, she will support the Hutchison-Domenici amendment because it is the Hutchison-Domenici amendment that will keep our small producers in business after the devastating effects of low oil prices from the last year.

In fact, every single oil company is affected. There are 2,400 producers with Federal leases. Only 70 of them are not classified by the SBA as small businesses. All 2,400 are opposed to this new rule that will require them basically to pay taxes on their costs. The small oil companies that the Senator said she would support are very opposed to her position. They are for the Hutchison-Domenici amendment because they don't want a new rule that would second-guess sales of oil at the wellhead and make fuzzy exactly when the oil should be valued. They don't want a new duty to market and incur the costs of marketing and selling the product and bear the cost without any allowance. They are very concerned about this.

If Senator BOXER believes that the small oil companies are against the Hutchison amendment, I hope she will talk to them. They will assure her that this is going to put one more chink in their ability to create jobs and continue to drill oil and natural gas in our country, rather than choosing to go overseas where it is much cheaper to do it and where you don't have to pay as much as we pay in America.

I hope very much that she will reconsider, knowing that all of the small companies are affected by this new ruling.

I will read from some of the letters of people and groups that are supporting the Hutchison-Domenici amendment.

People for the USA writes:

Dear Senator HUTCHISON: We support your fight to simplify the current royalty calculation system. On behalf of 30,000 grassroots members of People for the USA, I want to thank you for your diligent efforts to bring common sense to royalty calculations on Federal oil and gas leases. Energy Secretary Bill Richardson has suggested that domestic oil field workers look to opportunities overseas. Senator, an administration that talks about kicking American resource producers out of the country has a badly skewed set of priorities.

That is signed by Jeffrey Harris, Executive Director.

The National Black Chamber of Commerce writes:

Dear Senator HUTCHISON: The efforts of MMS are, indeed, ludicrous. Collectively the national economy is booming and the chief subject matter is ''tax reduction,'' not ''royalty increase,'' which is a cute term for tax increase. What adds salt to the wound is the fact that despite a booming economy from a national perspective, the oil industry has not been so fortunate and is on hard times. We need to come up with vehicles that will stimulate this vital part of our economic bloodstream, not further the damage.

That is signed by Harry Alford, President and CEO, National Black Chamber of Commerce.

Citizens for a Sound Economy:

The 1999 Omnibus Appropriations Act included moratorium language concerning a final crude oil valuation rule, with the expectation that the Department of Interior and industry would enter into meaningful negotiations in order to resolve their differences. Unfortunately, more time is still needed for government and industry to reach a mutually beneficial compromise.

It is signed by Paul Beckner, President.

Citizens Against Government Waste:

Passage of this provision in the Interior Appropriations bill will provide the time necessary for the MMS and the industry to reach a fair and workable agreement on the rule benefiting both sides.

It is signed by Council Nedd II, Director, Government Affairs, Citizens Against Government Waste.

Frontiers of Freedom:

In a misleading letter dated July 21, 1999, detractors of the Hutchison-Domenici amendment allege it will cost taxpayers, school children, Native Americans and the environment. That is not so. It is time to set the record straight. This amendment does not alter the status quo at all. This amendment says to Secretary Babbitt, spend no money to finalize a crude oil valuation rule

until the Congress agrees with your proposed methodology for defining value for royalty purposes.

That is signed by Grover Norquist, President, Americans for Tax Reform; George Landrith, Executive Director for Frontiers of Freedom; Patrick Burns, Director of Environmental Policy, Citizens for a Sound Economy; Fred Smith, President Competitive Enterprise Institute; Al Cors, Jr., Vice President for Government Affairs, National Taxpayers Union; Jim Martin, President, 60 Plus; David Ridenour, National Center for Public Policy Research; Adena Cook, Blue Ribbon Coalition; Bruce Vincent, Alliance for America; Chuck Cushman, American Land Rights Association; and Malcolm Wallop, Chairman of Frontiers of Freedom.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FRONTIERS OF FREEDOM
Arlington, VA, July 30, 1999.

Re Supporting the Hutchison-Domenici Amendment (a Moratorium on the Proposed Oil Valuation Rule which Prevents Unauthorized Taxation and Lawmaking by the Department of Interior).

Hon. KAY BAILEY HUTCHISON,
United States Senate, Washington, DC 20510

DEAR SENATOR HUTCHISON: We are writing to express our support for the Hutchison-Domenici amendment to the FY 2000 Appropriations bill. The Hutchison-Domenici amendment prevents the Department of the Interior from rewriting laws and assessing additional taxes without the consent of the Congress. This role properly rests with the legislative branch, not with unelected bureaucrats.

In a misleading letter dated July 21, 1999, detractors of the Hutchison-Domenici amendment allege it will cost taxpayers, schoolchildren, native Americans, and the environment.'' That is not so! It's time to set the record straight—this amendment does not alter the status quo at all. This amendment says to Secretary Babbitt: Spend no money to finalize a crude oil valuation rule until the Congress agrees with your proposed methodology for defining value for royalty purposes.

We contend that a mineral lease is a contract, whether issued by the United States or any other lessor, as such, its terms may not be unilaterally changed just because a government bureaucrat thinks more money can be squeezed from the lesser by redefining the manner in which the value of production is established. What royalty amount is due is determined by the contracts and statues, and nothing else. For seventy-nine years the federal government has lived according to a law that established that the government receives value at the well—not downstream after incremental value is added. The bureaucrats at the Interior Department are in effect imposing a value added tax through the backdoor.

Bureaucrats are saying that value should be measured in downstream markets hundreds of miles from one's lease, or based upon prices set in futures trading on the New York Mercantile Exchange, both of which routinely attribute higher value than exists at the ''wellhead.'' If bureaucrats had it their way, they would assess a tax all the way to the gasoline, ignoring the costs associated with bringing oil to that pump. If Congress intended this, they would have said so in the law.

This is nothing short of a backdoor tax via an unlawful, inequitable rulemaking which Secretary Babbitt says is necessary because of ''changing oil markets.'' But, we think his real result and that of his supporters such as Senator Boxer, is to cripple the domestic petroleum industry, and drive them to foreign shores and advance their goal of reducing fossil fuel consumption. This is why they falsely claim that green eyeshade accounts somehow are impacting the environment.

The outcry on behalf of schoolchildren is particularly hypocritical. Senator Boxer and Rep. George Miller are responsible for a mineral leasing law amendment in the 1993 Omnibus Budget Reconciliation Act which reduces education revenues to the State of California by over $1 million per year—far more than the Department's oil valuation rule would add to California's treasury (approximately $150,000 per year as scored by the Congressional Budget Office). So really, who is harming schoolchildren's education budgets? The oil industry provides millions and millions of royalty dollars each year for the U.S. Treasury and for State's coffers.

The ''cheating'' which Sen. Boxer and others allege is unproven. Reference to settlements by oil companies as proof of fraud is improper. When President Clinton settled the Paula Jones lawsuit his attorney admonished Senator Boxer and her fellow jurors to take no legal inference from that payment. We agree. As such, oil company settlements cannot be given precedential value. Who can fight the government forever when the royalty dollars they have paid in are used to fund enormous litigation budgets?

Lastly, two employees of the federal government who were integral to the ''futures market pricing'' philosophy espoused in the Department's rulemaking have been caught accepting $350,000 checks from a private group with a stake in the outcome of False Claims Act litigation against oil companies. Ironically, the money to pay-off these two individuals for their ''heroic'' actions while working as federal employees came from a settlement by one oil company. The *Project on Governments Oversight* (POGO) last fall received well over one million dollars as a plaintiff in the suit. Shortly thereafter POGO quietly ''thanked'' these public servants for making this bounty possible. The Public Integrity Section of the Department of Justice has an ongoing investigation. We find it unconscionable the Administration seeks to put the valuation rule into place without getting to the bottom of this bribe first. The L.A. Times recently drew a parallel with the Teapot Dome scandal of the 1920's, but who is Albert Fall in this modern day scandal?

The Department's rule amounts to unfair taxation without the representation which Members of Congress bring by passing laws. If Congress chooses to change the mineral leasing laws to prospectively modify the terms of a lease, so be it. It should do so in the proper authorizing process with opportunity for the public to be heard. A federal judge has recently ruled the EPA has unconstitutionally encroached upon the legislature's lawmaking authority when promulgating air quality rules. We are convinced the Secretary of the Interior, in a similar manner, is far exceeding his authority unilaterally by assessing a value added tax.

Let Congress define the law on mineral royalties. We elected Members to do this job, we didn't elect Bruce Babbitt and a band of self-serving bureaucrats. Support the Hutchison-Domenici amendment.

Sincerely,

George C. Landrith, Executive Director, Frontiers of Freedom.
Patrick Burns, Director of Environmental Policy, Citizens for a Sound Economy.
Fred L. Smith, Jr., President, Competitive Enterprise Institute.
Al Cors, Jr., Vice President for Government Affairs, National Taxpayers Union.
Jim Martin, President, 60 Plus.
Grover G. Norquist, President, Americans for Tax Reform.
Chuck Cushman, Executive Director, American Land Rights Association.
Bruce Vincent, President, Alliance for America.
Adena Cook, Public Lands Director, Blue Ribbon Coalition.
David Ridenour, Vice President, National Center for Public Policy Research.

RIO GRANDE VALLEY PARTNERSHIP,
INTERNATIONAL CHAMBER OF COMMERCE,
Weslaco, TX, July 23, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the Board of Directors of the Rio Grande Valley Partnership, I want to thank you once again for your leadership to prevent the Minerals Management Service on the U.S. Department of Interior from finalizing its new oil royalty regulations.

Until Congress is assured that they will be fair, the new regulations must work for government and for producers, and not result in litigation, as the proposed regulations would. Uncertainty and litigation just add delays and costs to producers large and small, and to the federal government, and that can make domestic oil and gas production from federal lands less competitive, adversely affective jobs in Texas and other producing areas and reducing royalty revenues to the federal government.

Please continue your lead in the fight to stop the Minerals Management Service from making new rules final until they solve the host of problems pointed out by oil producers, large and small.

Sincerely,

BILL SUMMERS,
President/CEO.

PEOPLE FOR THE USA,
Pueblo, CO, July 27, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the 30,000 grassroots members of People for the USA, I would once again like to thank you for your diligent efforts to bring common sense to royalty calculations and payments on federal oil and gas leases.

In their efforts to balance environmental protection with economic growth through grassroots actions, our members (not just those in Texas) always notice and appreciate strong, common sense leadership such as you have shown.

We support your fight to simplify the current royalty calculation system. It is already a burden on a struggling domestic oil and gas industry, and the Minerals Management Service proposal simply adds insult to injury. Royalty calculation is not, as Interior Communications Director Michael Gauldin remarked, ''an issue to demagogue for another year.'' With 52,000 jobs lost in just the last year?

Worse, Energy Secretary Bill Richardson has suggested that domestic oilfield workers look to opportunity overseas. Senator, an Administration that talks about kicking American resource producers out of the country has a badly skewed set of priorities.

We appreciate what you are doing to straighten them out, and will back you up at the grass roots any way we can.

Again, on behalf of thousands of hard-working American resource producers, thank

you. If you have any specific suggestions as to how we can assist you, feel free to contact me any time.

Respectfully,

JEFFREY P. HARRIS,
Executive Director.

NATIONAL BLACK CHAMBER OF COMMERCE
August 5, 1999.

Re: MMS Royalties
Hon. KAY BAILEY HUTCHISON,
Senator, State of Texas, Rm. 284, Senate Russell Office Building Washington, DC.

DEAR SENATOR HUTCHISON: The National Black Chamber of Commerce has been quite proud of the leadership you have shown on the issue of oil royalties and the attempt of the Minerals Management Service's, Department of Interior, to levy eventual increases on the oil industry.

The efforts of MMS are, indeed, ludicrous. Collectively, the national economy is booming and the chief subject matter is ''tax reduction'' not ''royalty increase'', which is a cute term for tax increase. What adds ''salt to the wound'' is the fact that despite a booming economy from a national perspective, the oil industry has not been so fortunate and is on hard times. We need to come up with vehicles that will stimulate this vital part of our economic bloodstream, not further the damage.

We support your plan to re-offer a one-year extension of the moratorium on the new rule proposed by MMS. We will also support any efforts you may have to prohibit the new rule. Good luck in giving it ''the good fight''.

Sincerely,

HARRY C. ALFORD,
President & CEO.

CITIZENS FOR A SOUND ECONOMY
Washington, DC, July 27, 1999.

DEAR SENATOR HUTCHISON: The 250,000 grassroots members of Citizens for a Sound Economy (CSE) ask you to oppose any attempts in the Senate to strike the provision in the Interior Appropriation bill that delays implementation of a final crude oil valuation rule.

The current royalty system is needlessly complex and results in time-consuming disagreements and expensive litigation. The Minerals Management Service's (MMS) new oil valuation proposal is, however, deeply flawed and would have the ultimate effect of raising taxes on consumers.

The 1999 Omnibus Appropriations Act included moratorium language concerning a final crude oil valuation rule with the expectation that the Department of the Interior (DOI) and industry would enter into meaningful negotiations in order to resolve their differences. Unfortunately, more time is still needed for government and industry is required to reach a mutually beneficial compromise.

CSE recognizes this need and opposes any attempt to halt the moratorium, or curtail efforts to bring about a simpler, more workable rule.

Thank you for your attention and efforts, and for your continuing leadership in this important matter.

Sincerely,

PAUL BECKNER,
President.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, September 10, 1998.

Hon. KAY BAILEY HUTCHISON,
United States Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the 600,000 members of Council for Citizens Against Government Waste, we respectfully ask you to oppose any efforts in the Senate to strike the provision in the Interior Appropriations Bill that delays the implementation of a final crude oil valuation rule, unless a resolution between MMS and industry can be reached. The Minerals Management Service (MMS) proposed new oil valuation rules that would eventually raise taxes on producers. The rulemaking effort has involved several revisions to the original proposal, but remains ambiguous, unworkable, and would create even greater uncertainty and unnecessary litigation.

Passage of this provision in the Interior Appropriations Bill will provide the time necessary for the MMS and the industry to reach a fair and workable agreement on the rule, benefiting both sides. The taxpayers have a vested interest in this issue, because the rule proposed by the MMS would lead to an unnecessary administrative burden for both the government and the private industry as auditors, accountants, and lawyers attempt to resolve innumerable disputes over the correct amounts due.

Please take this opportunity to prevent the current proposed rule, which benefits no one, from being implemented. We urge you to oppose any amendment to strike the provision for delay of final valuation rule in the Interior Appropriations Bill as it reaches the floor for debate in the full Senate this week.

We wish to thank you for your efforts in this matter. Your continued commitment and integrity in the promotion of efficiency and accountability in the federal government is sincerely appreciated. If I can be of further assistance, please do not hesitate to contact me.

Regards,

COUNCIL NEDD II,
Director, Government Affairs & Grassroots.

Mrs. HUTCHISON. Mr. President, I have heard the Senator from California throwing around numbers such as this has cost the taxpayers of America $88 million already, or $60 million already. And I pointed this out to her. I ask unanimous consent that the Congressional Budget Office estimate be printed in the RECORD.

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

FY 2000 INTERIOR AND RELATED AGENCIES—S. 1292, AS REPORTED, PROPOSED FLOOR AMENDMENTS

[Budget account—in millions]

No.	Pending		Proposed		Difference	
	BA	O	BA	O	BA	O
1603—Hutchinson Oil valuation	.....	.....	11	11	11	11

Mrs. HUTCHISON. Mr. President, this shows there would be a proposed difference in income of $11 million. In addition to putting that in the RECORD, I want to say that we have offset that $11 million. I have to say I think it is ludicrous that you would say we think that in the future you won't get $11 million and, therefore, we need to make up that proposed lost revenue for a tax that has not even been put in place. Nevertheless, that was the ruling we were given, so we did offset with $11 million. But it is ridiculous to say that you have to offset the tax that hasn't been put in place because you don't know what businesses are going to pull up stakes and say: It is too expensive to drill with this kind of royalty rate. We are going to go overseas and we are going to take our jobs with us.

So I am not sure that it would be $11 million, or anything at all. My hunch is that we are going to lose jobs and we are going to lose income, and the schoolchildren of this country are going to suffer because the oil business has not yet recovered from the crisis.

Mr. President, on that note, I have to also say that I think it is very important that when we are talking about a proposed rule that hasn't been put in place and we are already saying how much will be missed, clearly, there is no concept of how business can work and make a profit and continue to create jobs. So I am concerned that if we raise this royalty valuation, which is a tax on the oil industry, at a time when many of them are on their knees anyway, we are not going to have income of $11 million, or $60 million, or anything else. In fact, I think we are going to go into negative income, which is exactly what has happened in Texas in the last year and a half, where schools have had to shut their doors and close down and consolidate classrooms because they could not make their budget because of the oil income not coming in. We lost $150 million just in the last year in oil royalty revenue in Texas alone. So this is not the time to raise rates.

Let's talk about the kind of taxes. We are talking about fairness. In fact, we are talking about what we tax. Today, the oil is valued as it comes out of the ground, after it has been cleaned up and is ready to be sold. You take out the contaminants and it is clean and that is where it is valued. But what the Government and MMS are proposing to do is say, no, we want you to go out and get a buyer for the oil and incur the cost of buying; and then we want you to put it in a pipeline and take it to where it is going to be picked up by the buyer, and we are going to value it there. That is taxing the cost. That just doesn't make sense. That is like saying to McDonald's, whatever you spend in advertising, we are going to tax you that amount. We are going to tax you on your advertising for McDonald's hamburgers.

Mr. President, that concept will not fly. It doesn't happen in any other industry. Whenever would the Government expect taxes on expenses? It just doesn't make sense. But sometimes I think people I hear arguing on the Senate floor have never been in business. If you have never been in business and have never met a payroll, then you don't really understand how hard it is to make a profit and create new jobs and do right by your employees. I have been in business. I have met a payroll. I know how hard it is, especially in a small business. And when the prices are $7 or $8 a barrel and the costs are $14 a barrel, you can't stay in business very long. And if you can't stay in business very long, there are a lot of people and families who don't have jobs; and if you have to lay off people

who are working at the well, then you also have to lay off people in the oil fields service industry and the oil supply industry because you aren't going to need the supplies if you are not drilling. And if it is too expensive to drill in America, you are going to go somewhere else, and you are going to create jobs in a foreign country.

Mr. President, I guess the last thing I will say in refuting the arguments I heard from the Senator from Illinois and the Senator from California is that it always seems the tack is to say, well, they don't really care about this issue; they are supporting big oil because big oil has contributed to their campaigns. I don't go around looking at whether trial lawyers give to other Senators and, therefore, they don't vote for tort reform. I don't accuse people of not representing the interests of their States. Of course, I have oil workers in my State. I hope I am supported by people who work in my State and live in my State. But I would not do anything that would hurt the people of my State. The idea that that is connected to campaign contributions I just think is cynical, and I don't think it adds integrity to the debate.

You gauge that against a most incredible statement when you accuse people who want to keep jobs in America, who want fair pricing, fair taxing, and fair payment of taxes—you accuse people of having some kind of other motive, and then you pick up a magazine called Inside Energy and the Department of Interior communications director says on November 2 of 1998, regarding the Hutchison-Domenici amendment that would require them to have a fair valuation:

> We are sticking to the position we have taken. It gives us an issue to demagog for another year.

Mr. President, I think we have heard a lot of demagoguery on this issue. I have heard the most outrageous debate and arguments that I have heard on just about any subject on this issue, trying to make it seem as if oil companies that are being sued are somehow connected to whether or not we have a fair royalty valuation, trying to mesh those issues. That just does not make sense. It does not add to the debate. But to have the kind of demagoguery that we have heard on the floor and then to have the Department of the Interior admit that what they want is an issue to demagog, I have to say I think the Los Angeles Times editorial proves they did get a demagoguery editorial. I think some of the network television bought into it. I think there has been some very unfair coverage because we are talking about Congress standing up for its right to tax. If Congress doesn't stand up, who will? Who is accountable at the Department of the Interior? It is a matter of fairness.

I am not going to walk away from that responsibility. I know what I am doing is right because I know we can have fair taxes of royalty. We are talking about an industry that paid $58 billion in the last 40 years in royalty rates. They have given a lot back to this country. They have given jobs. They have paid royalty rates. I want them to pay fair royalty rates. I would never stand up and say they shouldn't, or if they haven't that they shouldn't be fined. I think they should. But we are talking about people. We are talking about jobs. We are talking about the American economy. We are talking about retirement plans that depend on stable oil companies and the oil industry.

I think fair taxation is the responsibility of Congress. That is what the Hutchison-Domenici amendment will assure—fair taxation intended by Congress.

We will have some more debate on this. I certainly hope in the end my colleagues will not be susceptible to rank demagoguery—to rhetoric that is harsh and not in any way fair. It may be fun to ask questions back and forth on the Senate floor indicating that people's motives are not the right motives or are not pure, but that doesn't add to the debate. It is our responsibility to make policy. We are going to do it.

● Mr. MCCAIN. Mr. President, the Interior Appropriations bill funds critical programs that are vital to the protection of our nation's land and natural resources and supports federal programs for Native Americans, as well as several energy and agriculture programs.

I commend the managers of this bill for their efforts to keep spending in this bill within budget limitations as required by the Balanced Budget Act of 1997. Unfortunately, I can still find in this bill and the committee report approximately $216 million in low-priority, unauthorized or unrequested spending that has not been considered in the normal merit-based review process.

In the usual fashion of appropriations bills and reports, little explanation is provided as to the merit or national priority of various projects receiving earmarks. We are left to imagine the reasons that certain projects, such the Bruneau Hot Springs Snail Conservation Committee or goose-related crop depredation projects in Washington and Oregon, are deserving of a $500,000 earmark each.

I am sure these projects are significant to the communities that would benefit from these directed funds. But we are unfairly singling out projects of parochial interest, rather than evaluating other more equally deserving projects that could be more significant to the protection of our land, forest or energy resources nationwide.

Not only do we undermine the value of our legislative process by this type of arbitrary spending, we betray the confidence of the American people who rely on our fair and equitable judgement to fund those projects of greatest need and priority. Instead, we reward their faith by choosing to provide $1 million of taxpayer funds to rehabilitate a bathhouse at Hot Springs National Park in Arkansas. I question the necessity of fixing up a public bathhouse when federal school facilities for Indian children are in a deplorable state of disrepair and ill maintenance.

In a similar fashion, $1 million is earmarked to support the Olympic Tree Program being developed by the Salt Lake Olympic committee. While our country takes great pride in hosting the international Olympics events, I find it difficult to fathom why we would expect the American people to accept the expenditure of a million dollars for this purely aesthetic purpose.

This bill also continues a disturbing trend of including legislative riders that, if enacted, will make substantive changes to current law and regulations. By using the appropriations process as a policy hammer, we are circumventing a fair and deliberative legislative review of the need for such changes. We also shortchange the interested public by eliminating their opportunity for input and participation.

I have heard from many interested parties who decry the inclusion of riders that will extend grazing permits without completion of due environmental analyses and a provision that overturns an administrative legal opinion regarding the amount of land that can be used for mining claims. I know that these are important issues in my state of Arizona, yet I am precluded from fully representing the interests of my constituents when legislative riders such as these are attached to an appropriations measure that must be passed within a very short timeframe with little to no opportunity to make changes.

Just yesterday, the Senate voted to restore Rule XVI which makes floor amendments of a policy nature out of order on an appropriations bill. I supported restoration of this Rule. Ironically, this Rule only applies to floor amendments. I believe very strongly that it should be applied to committee actions where a small minority of the Senate can act to include legislative riders on an appropriations bill without even consulting the relevant authorizing committees. I believe the Rule should be expanded to cover committee actions.

Mr. President, ensuring the protection of our nation's resources and meeting federal trust obligations to Native Americans are among our most important duties. With this type of shameful waste of taxpayer dollars and inappropriate legislative mandates on an appropriations measure, we are betraying our responsibility to spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans, rather than the special interests of a few.

Unfortunately, due to its length, this list of $216 million of earmarks and objectionable provisions in S. 1292, and its accompanying Senate report, cannot be printed in the RECORD. However, the list will be available on my Senate webpage.●

EAST TIMOR

Mrs. HUTCHISON. Mr. President, before I leave, I want to take a moment to also talk about one other issue. That is the issue of what is happening in Indonesia.

All of us have seen atrocities and read of atrocities in many parts of the world—most recently in Indonesia where we have seen the people of East Timor vote for independence, and they were told by the Government of Indonesia that vote would be respected. Now we see bands of militia-type people that, it is said, could be connected with the Indonesian Government going in and committing terrible acts. This is a terrible thing. It is horrible. We hate to see it.

I think there are many things that can be done.

First and foremost, we must call on Indonesia to do what they said they would do and respect the right of the people of East Timor in their independence.

I also think we should be supportive of those who are volunteering to go over there if necessary. This is where I think we can show some leadership from the United States. I would call on the President to do that. That is not to all of a sudden start talking about sending American troops into East Timor.

I think by beginning to start bandying that around, all of a sudden you are going to start seeing people depend on American troops. I don't think we have to start talking about American troops in East Timor. I think it would be harmful if we did that because of the vast commitment we have in the Balkans right now as well as the DMZ in Korea, as well as in Japan, as well as in Europe, and other places in the world.

No one would ever walk away from the responsibility that America must shoulder as a superpower. But Australia has stepped up to the line to try to help bring an end to the chaos that I hope is temporarily erupting in East Timor. I think we should help them do that by offering logistical support but letting people volunteer.

This is a time when we can look at the areas of the world that have regional conflicts, and we can let the sophisticated countries that have quality military operations be the main part of a force in those areas.

In fact, it appears that Australia, New Zealand, and many others are volunteering to take this policekeeping mission. I think it would be wise for us to let them do that. Let them take that responsibility and offer our logistical help if they need it. But don't start bandying about the possibility of U.S. troops going in on the ground when our troops are stretched so thin—when we have had the worst recruiting year and the worst retention year since the early 1970s because our troops are in mission fatigue. They are not able to stay in top training because they are stretched so thin.

I hope the President will take this opportunity to set a U.S. policy and to work with our allies to have a division of responsibility that is fair.

If we do that, then America will be able to do what only it can uniquely do, and that is the air power that we have shown that we have in the last 6 months. Let us keep our role to responding where only we are able to keep the peace—in the Middle East, in Korea, in Japan, and in parts of Europe. Let's work with our allies for a fair responsibility sharing that will set a precedent so that we will all have the staying power to provide the critical needs in regions as they occur.

I hope President Clinton will take this opportunity to be a leader and to represent the United States and our national security issues and our national security stability. If he will do that, I think you will begin to see a foreign policy that will evolve with all of our allies sharing and keeping all of us strong by not overburdening any one of us to the detriment of all.

Thank you, Mr. President.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWNBACK. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, so far, we have had one meeting of a conference to resolve differences in the Senate and House passed juvenile justice bills. I commented at that conference meeting, on August 5, 1999, about how unfortunate it was that the leadership in the Congress delayed action on the conference all summer. In fact, the conference met less than 24 hours before the Congress adjourned for its long August recess.

Unfortunately, we did not conclude our work but left this conference and important work on the juvenile justice legislation to languish for the last five weeks of the summer.

Due to the delays in convening this conference and then its abrupt adjournment before completing its work, we knew before our August recess that the programs to enhance school safety and protect our children and families called for in this legislation would not be in place before school began.

The fact that American children are starting school without Congress finishing its work on this legislation is wrong.

We had to overcome technical obstacles and threatened filibusters to begin the juvenile justice conference. It is no secret that there are those in both bodies who would prefer no action and no conference to moving forward on the issues of juvenile violence and crime. Now that we have convened this conference, we should waste no more time to get down to business and finish our work promptly.

We have seen the kind of swift conference action the Congress is capable of doing with the Y2K law that provides special legal protections to businesses. That Y2K bill was passed by the Senate almost a month after the HATCH-LEAHY juvenile justice bill, on June 16th, but was sent to conference, worked out, and sent to the President's desk within two short weeks. That bill is already law. The example set by the Y2K legislation shows that if we have the will, there is a way to get legislation done and done quickly.

Those of us serving on the conference and many who are not on the conference have worked on versions of this legislation for several years now. We spent two weeks on the Senate floor in May considering almost 50 amendments to S. 254, the Senate juvenile justice bill, and making many improvements to the underlying bill. We worked hard in the Senate for a strong bipartisan juvenile justice bill, and we should take this opportunity to cut through our remaining partisan differences to make a difference in the lives of our children and families.

I appreciate that one of the most contentious issues in this conference is guns, even though sensible gun control proposals are just a small part of the comprehensive legislation we are considering. The question that the majority in Congress must answer is what are they willing to do to protect children from gun violence?

A report released two months ago on juvenile violence by the Justice Department concludes that, ''data . . . indicate that guns play a major role in juvenile violence.'' We need to do more to keep guns out of the hands of children who do not know how to use them or plan to use them to hurt others.

Law enforcement officers in this country need help in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for hunting or for sport, but about criminals and unsupervised children. An editorial that appeared today in the Rutland Daily Herald summed up the dilemma in this juvenile justice conference for the majority:

> Republicans in Congress have tried to follow the line of the National Rifle Association. It will be interesting to see if they can hold that line when the Nation's crime fighters let them know that fighting crime also means fighting guns.

Every parent, teacher and student in this country was concerned this summer about school violence over the last

two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children. This an unacceptable and intolerable situation.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals. I hope we get to work soon and finish what we started in the juvenile justice conference. We are already tardy.

DR. PAUL VAN de WATER

Mr. DOMENICI. Mr. President, I would like to take a moment to talk about someone who has provided invaluable assistance to me and the Budget Committees over the years—Dr. Paul Van de Water, the Assistant Director for Budget Analysis of the Congressional Budget Office. Dr. Van de Water is leaving the Congressional Budget Office this week, after 18 years of distinguished service to the Congress, the budget process, and the American public. He will become the Senior Advisor to the Deputy Commissioner for Policy at the Social Security Administration.

Paul Van de Water came to CBO in 1981, the same year I assumed Chairmanship of the Senate Budget Committee. For years he headed the Projections Unit—doing the bread and butter work involved with producing Congressional budgets. Without CBO, I could not have done my job, and Paul contributed mightily to almost every CBO analysis we needed. He has served over and above the call of duty, spending nights and weekends working on our two Budget Committees' requests. I am sure he will never forget the two weeks spent at Andrews Air Force Base during the 1990 Budget Summit. We will not soon forget his sharp analytical skills, his appreciation of Congressional demands, and the institutional consistency he has provided CBO over the last 18 years. Dr. Van de Water has truly been an exceptional public servant.

I know I am speaking for all Members who have ever served on the Budget Committees of the House and Senate, and all our staff, when I express our gratitude to Paul for his contributions to this Congressional budget process. I join everyone in congratulating him on his service to the country and wishing him luck in his future work at the Social Security Administration.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 7, 1999, the Federal debt stood at $5,654,526,718,244.87 (Five trillion, six hundred fifty-four billion, five hundred twenty-six million, seven hundred eighteen thousand, two hundred forty-four dollars and eighty-seven cents).

Five years ago, September 7, 1994, the Federal debt stood at $4,683,504,000,000 (Four trillion, six hundred eighty-three billion, five hundred four million).

Ten years ago, September 7, 1989, the Federal debt stood at $2,861,363,000,000 (Two trillion, eight hundred sixty-one billion, three hundred sixty-three million).

Fifteen years ago, September 7, 1984, the Federal debt stood at $1,572,266,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-six million) which reflects a debt increase of more than $4 trillion—$4,082,260,718,244.87 (Four trillion, eighty-two billion, two hundred sixty million, seven hundred eighteen thousand, two hundred forty-four dollars and eighty-seven cents) during the past 15 years.

ROBERT RUBIN

Mr. DODD. Mr. President, I rise today to pay tribute to Secretary of the Treasury Robert Rubin. Sworn in on January 10, 1995, as the 70th Secretary of the Treasury, Bob Rubin resigned earlier this month.

Prior to serving in the administration, Secretary Rubin spent 26 years at Goldman, Sachs, & Co., starting as an associate and leaving as co-chairman and co-senior partner. We have had few Secretaries of the Treasury who have brought such knowledge and expertise to the job.

His tenure as Secretary was marked by a steady, even-handed approach to economic policy in this country. He served in a critical time in our Nation's history. On his watch, the United States has dramatically increased its role as a leader in the global marketplace. The past 4 years have been marked by turbulent economic times, and with his leadership we have weathered numerous international financial storms, including the Asian financial crisis, the Mexico peso devaluation, and the ongoing economic turmoil of the former Soviet Union.

Under Secretary Rubin's leadership, we have maintained fiscal discipline. In 1992, the budget deficit was $290 billion, the largest dollar deficit on record. Last year, the budget surplus was nearly $70 billion, the largest dollar surplus on record.

Under Secretary Rubin, we have had a robust economy with strong job creation, inflation virtually nonexistent, and unemployment at its lowest rate in 29 years. His economic accomplishments are staggering.

Over the past 4 years, 18.4 million new jobs have been created. Also, the unemployment rate was 4.3 percent in April 1999, which is the lowest in 29 years. At the time of Secretary Rubin's start in 1992, unemployment was at 7.5 percent. In fact, the unemployment rate has been below 5 percent for 22 months in a row—the lowest sustained unemployment rate in 29 years.

After adjusting for inflation, wages have increased almost 2.7 percent in 1998—that is the fastest real wage growth in more than two decades and the third year in a row—the longest sustained growth since the early 1970s.

Inflation is the lowest since the 1950s. In fact, inflation was at 1.4 percent for the beginning of 1999.

I think the greatest tribute to Secretary Rubin has been the reaction of the financial markets to his departure. Our financial markets have responded with continued stable growth. Investors, both domestic and abroad, understand that the only way that Bob Rubin would consent to leave his post is if he felt that the U.S. economy was healthy and heading in the right direction.

While I am saddened with Secretary Rubin's departure, I can think of no better replacement to fill the top post at Treasury than Larry Summers. I believe that it is critical that there be a smooth transition from one Treasury Secretary to another. Secretary Summers' leadership will provide a seamless transition and continuity to ensure stability in our financial markets.

Secretary Summers' extensive academic expertise and tenure as Deputy Treasury Secretary make him an invaluable addition to the Cabinet. I am confident of his leadership ability and a strong believer that he will make an excellent Secretary of the Treasury.

Bob Rubin has represented the best in public service, and our nation truly owes him a debt of gratitude. His tireless leadership helped put our fiscal house in order, but—just as important—helped forge a strong and vibrant economy that has created jobs and economic opportunity for millions of Americans. With his impressive financial expertise and background, he uniquely understood that government and business could work together so that everyone could benefit from economic expansion. And though he fought to make our nation a leader in the global marketplace—Bob Rubin ultimately understood the most important street in our nation was not just Wall Street, but Main Street.

America is better off today because of Bob Rubin.

I would like to thank him for his service to our nation and wish him all the best in his next endeavor. I would also like to congratulate Secretary Summers on his new position. I am confident of his success and I look forward to continuing to work with him.

THE 40TH ANNIVERSARY OF HAWAII'S STATEHOOD

Mr. INOUYE. Mr. President, on August 21, 1999, the State of Hawaii celebrated its 40th anniversary as the 50th State of this great Nation.

Statehood for Hawaii was not a sudden or impulsive idea. During the debate on statehood for Hawaii in the

House of Representatives in March 1959, there were no fewer than 88 bills pending that would have, if enacted, admitted Hawaii as a State. The people of Hawaii, through our territorial legislature, had petitioned the Congress for statehood on 17 different occasions.

Back in the fifties, times were very different. In those days, the concept of statehood for a group of tiny islands in the middle of the Pacific Ocean seemed far-fetched to many. However, the admission of Alaska removed the doubts of those who felt the United States should be one contiguous land mass.

After nearly 40 years of Congressional debates, investigations, hearings, and visitations, we achieved what so many of us in the Territory of Hawaii deeply desired. The State of Hawaii has come a long way since 1959 and I am very proud of the achievements of the people of Hawaii. I believe Hawaii has proven to be a credit to our Nation. I would like to take this opportunity to give my colleagues some insight into the tremendous changes that have taken place in the 50th State over the past 40 years.

Hawaii has the reputation of being the ''Health State,'' and that reputation is well deserved. We lead the Nation in providing access to health care with more than 96 percent of the Hawaii population having health insurance. Hawaii leads the Nation with the lowest number of deaths from breast cancer, and ranks second in the Nation for the lowest number of deaths due to all cancers, heart disease, and diabetes.

Our territory of 600,000 American citizens in 1959 has more than doubled in 40 years. No territory, with the exception of Oklahoma, ever possessed a population as large as Hawaii's at the time it sought statehood in the Union. Consider these facts. In 1959, Hawaii contributed into the U.S. Treasury $166 million in taxes, putting Hawaii ahead of 10 States in taxpayer contributions. The per capita income of Hawaii was $1,821, ranking it 25th amongst the States, and the total income was more than in eight States. Current per capita income is more than 14 times that original amount, ranking Hawaii 15th amongst the States. Further, last year the people of Hawaii contributed $2.7 billion to Federal coffers in the form of taxes.

In 1959, sugar was king; 974,000 tons of sugar were produced in Hawaii. Though sugar is no longer king in Hawaii, agricultural has and continues to be a significant contributor to the state's economy providing nearly $3 billion in sales and more than 40,000 jobs. Sugar remains an important crop and pineapple production has been stable for many years. Additionally, diversified agriculture, including flowers, fruits, vegetables, macadamia nuts, coffee, and livestock, is a very bright spot in our State's economy. It is one of the few economic sectors experiencing growth. In 1987, diversified crops surpassed sugar in farm fate value in Hawaii and never looked back. After its pristine beaches and warm tropical waters, Hawaii's attraction lies in its green space. Without agricultural production, much of this lush green environment, many come to expect of Hawaii, would be lost.

With sugar's downsizing, Hawaii is taking advantage of an opportunity that has been available in the islands in 150 years, that is, agricultural land is available in large quantities. The State is now taking an unobstructed look at agriculture in its broadest sense. Beyond traditional products, Hawaii and its year-round growing capability is ripe for development of high value products like herbal dietary supplements, cosmetics, ethical drugs, specialized fruits and vegetables, and natural industrial products. There is also potential for agriculture as a service industry in the areas of bioremediation of contaminants, carbon sequestering forest production, seed testing and propagation for use worldwide, and development of innovative pest management strategies.

The State of Hawaii has become a world class player in the science and technology arena. Manua Kea, on the Island of Hawaii, is known internationally as the best site for optical, infrared, and millimeter/submillimeter astronomy. It is the chosen site for all four of the new generation of 8- or 10-meter class telescopes now under construction in the Northern Hemisphere. The observatories include: the Gemini project, the Keck Observatory, Canada-France-Hawaii, the Joint Astronomy Center, Subaru, Smithsonian, and the California Institute of Technology. Eight nations are represented atop Manua Kea with the United States' presence most prominent.

The Maui Research and Technology Park is fast earning a reputation as one of the world's most sophisticated high technology centers. MRTP is home to the Maui High Performance Computing Center, the newest of 12 national supercomputing resource centers.

The University of Hawaii's successful cloning of three generations of mice from adult cells stunned the international scientific community and has brought significant prestige and attention to the University and the State.

Forty years ago, when the Members of Congress debated the suitability of Hawaii as a state, questions were raised about our Americanism. During World War II, the loyalty and patriotism of Americans of Japanese ancestry living in Hawaii were called into question. When we finally received the call to duty in early 1943, 1,500 Hawaii volunteers were sought by the U.S. Army. In less than a week, 15,000 had volunteered, and Hawaii was not yet a State.

We continue our strong commitment to military service. Hawaii is home to all the services, and we continue to demonstrate our support for our nation's military as a member of our Hawaii community. We are home to the USS *Missouri* and the USS *Arizona* memorials which symbolize the beginning and end of World War II, and pay tribute to the many brave men and women who have their lives for our nation. Hawaii has been bestowed with this high honor of stewardship that we will proudly uphold.

Tripler Army Medical Center is a leader in medical care, medical education, and research. It has also earned national recognition for its work in telehealth technology applications, most appropriately called AKAMAI which in Hawaiian means ''brilliant or smart.'' The state-of-the-art Spark M. Matsunaga Veterans Medical Center will open in early 2000 at Tripler, and the two agencies have worked collaboratively to integrate services and information systems, providing both active duty personnel and veterans with the best medical care available anywhere. We are also very proud of the Center of Excellence in Disaster Management and Humanitarian Assistance, a military-civilian partnership that facilitates joint disaster response operations through research, education, and information management.

It is clear that none of the concerns expressed in those years preceding statehood have become reality. Hawaii did not fall to communism. Hawaii's distance has not diminished the strength of the United States, but in fact has enhanced its military and economic power into the Asia-Pacific region. Further, Hawaii remains one of the greatest examples of a multiethnic society living in relative peace.

I have had the privilege of serving the people of Hawaii in the U.S. Congress since statehood. Over these years, the people of Hawaii have proven their unfailing loyalty and devotion to America's ideals. Hawaii's achievements are a testament to our desire to continually share the best of who we are and what we have to offer our fellow Americans.

So, as we celebrate 40 years of statehood, Hawaii looks toward the new millennium with pride, dignity and the hope for an even brighter future.

EXPLANATION OF ABSENCE

Mr. DODD. Mr. President, on Friday, July 16, 1999, I was necessarily absent during Senate action on rollcall vote No. 211, a motion to invoke cloture on Amendment No. 297, a Lott amendment in the nature of a substitute to S. 557, an original bill to provide guidance for the designation of emergencies as a part of the budget process.

Had I been present for the vote, I would have voted against cloture.

RENOMINATION OF CHAIRMAN LINDA J. MORGAN TO THE SURFACE TRANSPORTATION BOARD

Mr. HOLLINGS. Mr. President, I rise today to applaud the renomination by the President of Linda J. Morgan to another term with the Surface Transportation Board, and his express intention to re-designate her as Chairman.

Linda Morgan, who was with us on the Commerce Committee for several years, has been Chairman of the Board and its predecessor, the Interstate Commerce Commission, since 1995. Many times before, I have publicly praised the outstanding job she has done in steering the Board and the transportation sector through some very rough seas. Her intellect, knowledge, competence and experience continue to be indispensable to the resolution of the many issues that confront this key segment of the economy. And she has exhibited the kind of integrity, fairness, spirit, and work ethic that are essential to the proper exercise of the Board's important adjudicative functions.

With this reappointment, the Senate has the opportunity to approve a first-rate leader and public servant—one of the best and brightest. I know that I will have the cooperation of all of my colleagues on the Commerce Committee and in the full Senate in expeditiously moving this outstanding nomination through to confirmation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two treaties and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT—AUGUST 11, 1999

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 1999, the Secretary of the Senate, on August 11, 1999, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 211. An act to designate the Federal building and United States courthouse located at 920 West Riverdale Avenue in Spokane, Washington as the ''Thomas S. Foley United States Courthouse'', and the plaza at the south entrance of such building and courthouse as the ''Walter F. Horan Plaza''.

H.R. 1219. An act to amend the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

H.R. 1568. An act to provide technical, financial, and procurement assistance to veteran owned small business, and for other purposes.

H.R. 1664. An act providing authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes.

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2565. An act to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

S. 606. An act for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

S. 1543. An act to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

S. 1546. An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

Under the authority of the order of the Senate of January 7, 1999, the enrolled bills were signed, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT—AUGUST 12, 1999

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 7, 1999, the Secretary of the Senate, on August 12, 1999, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 507. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Under the authority of the order of the Senate of January 7, 1999, the enrolled bill was signed, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2670. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2724. An act to make technical corrections of the Water Resources Development Act of 1999.

The messages also announced that the House insists upon its amendments to the bill (S. 1467) to extend the funding levels for aviation programs for 60 days, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. PETRI, Mr. DUNCAN, Mr. EWING, Mr. HORN, Mr. QUINN, Mr. EHLERS, Mr. BASS, Mr. PEASE, Mr. SWEENEY, Mr. OBERSTAR, Mr. RAHALL, Mr. LIPINSKI, Mr. DEFAZIO, Mr. COSTELLO, Ms. DANNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. BOSWELL.

From the Committee on the Budget, for consideration of titles IX and X of the House amendment, and modifications committed to conference: Mr. CHAMBLISS, Mr. SHAYS, and Mr. SPRATT.

From the Committee on Ways and Means, for consideration of title XI of the House amendment, and modifications committed to conference: Mr. NUSSLE, Mr. HULSHOF, and Mr. RANGEL.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2724. An act to make technical corrections to the Water Resources Development Act of 1999; to the Committee on Environment and Public Works.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on August 11, 1999, he had presented to the President of the United States, the following enrolled bills:

S. 606. An act for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

S. 1543. An act to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

S. 1546. An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

The Secretary of the Senate reported that on August 12, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 507. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4595. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, a draft of proposed legislation relative to the Bureau's dam safety program; to the Committee on Energy and Natural Resources.

EC–4596. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to educational assistance, technical assistance, and research services to nonagricultural cooperatives of rural residents; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4597. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation relative to the Refugee and Entrant Assistance Program; to the Committee on the Judiciary.

EC–4598. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Motor Vehicle Content Labeling Calculation'' (RIN2127–AH33), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4599. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Termination of Dial-Up Service Contract Filing System'' (FMC Docket No. 99–12), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4600. A communication from the Associate Bureau Chief, Wireless Telecommunication Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Second Report and Order—Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems'' (FCC 99–96, CC Docket No. 94–102), received July 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4601. A communication from the Deputy Chief, Industry Analysis Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''1998 Biennial Regulatory Review—Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms'' (FCC 99–175, CC Docket No. 98–171), received July 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4602. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands'', received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4603. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands'', received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4604. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment 1 to the Atlantic Salmon Fishery Management Plan'' (RIN0648–AM13), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4605. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the Application and Transfer Process for the License Limitation Limitation Program for the Groundfish and Crab Fisheries Off Alaska'' (RIN0648–AK69), received August 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4606. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.606(b) of the Commission's Rules, Table of Allotments, Television Broadcast Stations and Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Buffalo, New York)'' (MM Docket No. 98–175), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4607. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations; Castle Dale, Huntington, Hurricane, Mona Monticello and Wellington, Utah; Groveland and Lovelady, Texas; Midland, Maryland'' (MM Docket Nos. 99–124, 125, 126, 128, 129, 130, 132, 135 and 138), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4608. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b) , Table of Allotments, FM Broadcast Stations; Narrowsburg, NY, Allen, NE, Overton, NV, Wells, NV, and Caliente, NV'' (MM Docket Nos. 99–43, 99–82, 99–85, 99–88, 99–89), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4609. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; DeRidder, Louisiana'' (MM Docket No. 99–209; RM–9406), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4610. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species (HMS) Fisheries; Fishery Management Plan (FMP), Plan Amendment, and Consolidation of Regulations, Technical Amendment'' (RIN0648–AJ67) (I.D.052699A), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4611. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Framework Adjustment 30 and Correct Framework Adjustment 27 to the Northeast Multispecies Fishery'' (RIN0648–AM65), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4612. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas/Anchorage Grounds Regulations; St. Johns River, Jacksonville, Florida (CGD07–99–023)'' (RIN2115–AA98) (1999–0004), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4613. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Tennessee River, TN (CGD08–99–047)'' (RIN2115–AE47) (1999–0034), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4614. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Sacramento River, California Department of Transportation Highway Bridge at Mile 90.1 at Knights Landing, Between Sutter and Yolo Counties (CGD11–99–012)'' (RIN2115–AE47) (1999–0035), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4615. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; National Youth Conference Air Show Ohio River Mile 602.0–605.0; Louisville, KY(CGD08–99–046)'' (RIN2115–AE46) (1999–0031), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4616. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Aurora APR Powerboat Races Ohio River Mile 496.5–498.5; Aurora, IN (CGD08–99–048)'' (RIN2115–AE46) (1999–0030), received August 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4617. A communication from the Associate Chief, International Bureau, Telecom Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of 1998 Biennial Review—Review of Accounts Settlement in the Maritime Mobile and Maritime Mobile-Satellite Services and Withdrawal of the Commission as an Accounting Authority in the Maritime Mobile-Satellite Radion Services'' (IB Docket No. 98–96, FCC 99–150), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4618. A communication from the Legal Technician, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Uniform Procedures for State Highway Safety Programs'' (RIN2127–AH53), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4619. A communication from the Legal Technician, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''State Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons'' (RIN2127–AH39), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4620. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (143); Amdt. No. 417'' (RIN2120–AA63) (1999–0003), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4621. A communication from the Program Analyst, Office of the Chief Counsel,

Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Rotorcraft Load Combination Safety Requirements'' (RIN2120–AG59), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4622. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Name Change of Guam Island Agana NAS, GU Class D Airspace Area; Docket No. 99–AWP–9 (8–2/8–5)'' (RIN2120–AA66) (1999–0246), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4623. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (9); Amdt. No. 1941 (7–30/7–29)'' (RIN2120–AA65) (1999–0039), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4624. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (56); Amdt. No. 1942 (7–30/7–29)'' (RIN2120–AA65) (1999–0038), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4625. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (28); Amdt. No. 1943 (7–30/7–29)'' (RIN2120–AA65) (1999–0037), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4626. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Taylor, AZ; Correction ; Docket No. 97–AWP–2 (7–29/7–29)'' (RIN2120–AA66) (1999–0244), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4627. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Correction of Class D Airspace; Bullhead City, AZ; Direct Final Rule; Request for Comments; Docket No. 99–AWP–8 (7–28/7–29)'' (RIN2120–AA66) (1999–0245), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4628. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Industrie Model A300–600, Series; Docket No. 98–NM–62 (7–28/7–29)'' (RIN2120–AA64) (1999–0284), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4629. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, Series Airplanes; Request for Comments; Docket No. 98–NM–155 (7–27/7–29)'' (RIN2120–AA64) (1999–0287), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4630. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney T9D Series Turbofan Engines; Request for Comments; Recission; Docket No. 98–ANE–21 (7–30/7–29)'' (RIN2120–AA64) (1999–0285), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4631. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–215–1A10 and CL–215–6B11 Series Airplanes; Docket No. 98–NM–37 (8–2/8–5)'' (RIN2120–AA64) (1999–0292), received August 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4632. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace Model BAC 1–11200 and 400 Series Airplanes; Docket No. 98–NM–47 (8–2/8–5)'' (RIN2120–AA64) (1999–0291), received August 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4633. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 23, 24, 25, 28, 29, 31, 55, and 60 Series Airplanes; Docket No. 98–NM–372 (8–2/8–5)'' (RIN2120–AA64) (1999–0290), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4634. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB 2000 Series Airplanes; Docket No. 97–NM–151 (8–3/8–5)'' (RIN2120–AA64) (1999–0289), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4635. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The New Piper Aircraft, Inc. Model PA–46–350P Airplanes; Docket No. 99–CE–01 (8–4/8–5)'' (RIN2120–AA64) (1999–0288), received August 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4636. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report relative to the Commission's auction expenditure package; to the Committee on Commerce, Science, and Transportation.

EC–4637. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report entitled ''Fourth Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services'' for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–4638. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with Japan; to the Committee on Foreign Relations.

EC–4639. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with the United Kingdom; to the Committee on Foreign Relations.

EC–4640. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with the United Kingdom; to the Committee on Foreign Relations.

EC–4641. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with Finland; to the Committee on Foreign Relations.

EC–4642. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles and defense services under a contract in the amount of $50,000,000 or more with Australia, Canada, Denmark, Germany, Greece, The Netherlands, Norway, Spain, and Turkey; to the Committee on Foreign Relations.

EC–4643. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles and defense services under a contract in the amount of $50,000,000 or more with Japan; to the Committee on Foreign Relations.

EC–4644. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles or defense services under a contract in the amount of $50,000,000 or more with France; to the Committee on Foreign Relations.

EC–4645. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles or defense services under a contract in the amount of $50,000,000 or more with Greece; to the Committee on Foreign Relations.

EC–4646. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense articles and defense services under a contract in the amount of $50,000,000 or more with Greece; to the Committee on Foreign Relations.

EC–4647. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing and Technical Assistance Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with the Netherlands; to the Committee on Foreign Relations.

EC–4648. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Germany; to the Committee on Foreign Relations.

EC–4649. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Germany; to the Committee on Foreign Relations.

EC–4650. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Designation of the State of Alaska Under the Federal Meat Inspection Act and the Poultry Products Inspection Act'', received August 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4651. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fee Increase for Inspection Services'' (RIN0583–AC54), received August 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4652. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Viruses, Serums, Toxins, and Analogous Products and Patent Term Restoration; Nonsubstantive Technical Changes'' (Docket No. 97–117–1), received August 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4653. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glufosinate Ammonium; Pesticide Tolerances for Emergency Exemptions'' (FRL #6092–8), received August 6, 1999; to the Committee on Environment and Public Works.

EC–4654. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals Under the Paperwork Reduction Act Relating to the Federal Test Procedures for Emissions From Motor Vehicles; Technical Amendment'' (FRL #6409–2), received August 5, 1999; to the Committee on Environment and Public Works.

EC–4655. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of the Implementation Plans; Minnesota'' (FRL #6414–9), received August 6, 1999; to the Committee on Environment and Public Works.

EC–4656. A communication from the Acting Assistant Attorney General, transmitting, pursuant to law, the annual report of the Office of the Police Corps and Law Enforcement Education for fiscal year 1998; to the Committee on the Judiciary.

EC–4657. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Adding Portugal, Singapore and Uruguay to the List of Countries Authorized to Participate in the Visa Waiver Pilot Program'' (RIN1115–AF99) (INS No. 20002–99), received August 9, 1999; to the Committee on the Judiciary.

EC–4658. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4659. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Taxpayer Identification Numbers and Commercial and Government Entity Codes'' (DFARS Case 98–D027), received August 5, 1999; to the Committee on Armed Services.

EC–4660. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison of switchboard operations in the Air Mobility Command; to the Committee on Armed Services.

EC–4661. A communication from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''UNITA (Angola) Sanctions Regulations: Implementation of Executive Orders 13069 and 13098'' (31 CFR Part 590), received August 6, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4662. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 64 FR 41315; 07/30/99'', received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4663. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 64 FR 41317; 07/30/99'', received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4664. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 64 FR 41306; 07/30/99'' (Doc. # FEMA–7292), received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4665. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Multiyear Contracting'' (DFARS Case 97–D308), received August 5, 1999; to the Committee on Armed Services.

EC–4666. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program (NFIP); Group Flood Insurance Policy; 64 FR 41305; 07/30/99'' (RIN3067–AC35), received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4667. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 64 FR 41312; 07/30/99'', received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4668. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 64 FR 41309; 07/30/99'', (Doc. #FEMA–7293), received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4669. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program (NFIP); Insurance Coverage and Rates; 64 FR 41825; 08/02/99'' (RIN3067–AD00), received August 5, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4670. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to the Customs Regulations'' (R.P. 98–13), received August 5, 1999; to the Committee on Finance.

EC–4671. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Detention of Merchandise'' (RIN1515–AB75), received August 5, 1999; to the Committee on Finance.

EC–4672. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Examples of Corrections to Employee Plans'' (Rev. Proc. 99–31), received August 5, 1999; to the Committee on Finance.

EC–4673. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD 8832: Exception from Supplemental Annuity Tax on Railroad Employers'' (RIN1545–AT56), received August 5, 1999; to the Committee on Finance.

EC–4674. A communication from the Chair, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Rethinking Medicare's Payment Policies for Graduate Medical Education and Teaching Hospitals''; to the Committee on Finance.

EC–4675. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4676. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report relative to hydrocarbon fuels used by the DoD; to the Committee on Armed Services.

EC–4677. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report relative to military technician programs in the Reserve components of the Army and the Air Force; to the Committee on Armed Services.

EC–4678. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to printing and duplicating services procured in-house or from external sources during fiscal year 1998; to the Committee on Armed Services.

EC–4679. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''CHAMPUS; Revisions to the Eligibility Requirements'' (RIN0720–AA51), received August 18, 1999; to the Committee on Armed Services.

EC–4680. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''CHAMPUS; Prosthetic Devices'' (RIN0720–AA49), received August 18, 1999; to the Committee on Armed Services.

EC–4681. A communication from the Director Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Oral Attestation of

Security Responsibilities'' (DFARS Case 99–D006), received August 18, 1999; to the Committee on Armed Services.

EC–4682. A communication from the Director Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Fiscal Year 2000 Contract Action Reporting Requirements'' (DFARS Case 99–D011/98–D017), received August 12, 1999; to the Committee on Armed Services.

EC–4683. A communication from the Director, Administrative Office of United States Courts, transmitting, pursuant to law, the actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ended September 30, 1997; to the Committee on Governmental Affairs.

EC–4684. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received August 10, 1999; to the Committee on Governmental Affairs.

EC–4685. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to an addition to the Procurement List, received August 18, 1999; to the Committee on Governmental Affairs.

EC–4686. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Voting Rights Program'' (RIN3206–AI77), received August 10, 1999; to the Committee on Governmental Affairs.

EC–4687. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Auditor's Examination of the Practice of Placing Pretrial Defendants in District Halfway Houses and the Resulting Problem of Persistent Escapes''; to the Committee on Governmental Affairs.

EC–4688. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a request from the Government of Egypt to permit the use of Foreign Military Financing for the sale and limited coproduction of military hardware; to the Committee on Foreign Relations.

EC–4689. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4690. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Cost of Incarceration Fee'' (RIN1120–AA75), received August 10, 1999; to the Committee on the Judiciary.

EC–4691. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, the audit report for calendar year 1998; to the Committee on the Judiciary.

EC–4692. A communication from the Deputy Executive Secretary, Health Care Financing Administration, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Procedures for Requesting Exceptions to Cost Limits for Skilled Nursing Facilities and Elimination of Classifications (HCFA–1883–F)'' (RIN0938–AH73), received August 10, 1999; to the Committee on Finance.

EC–4693. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 99–36, Determination of Interest Rates—October 1999'' (Revenue Ruling 99–36), received August 18, 1999; to the Committee on Finance.

EC–4694. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 99–42, Elimination of Magnetic Tape Program for Federal Tax Deposits'' (Notice 99–42), received August 12, 1999; to the Committee on Finance.

EC–4695. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 99–41, Updated List of Designated Private Delivery Services Under Section 7502'' (Notice 99–41), received August 12, 1999; to the Committee on Finance.

EC–4696. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 99–34, Depreciation System, Comments Requested'' (OGI–113072–99), received August 12, 1999; to the Committee on Finance.

EC–4697. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement of Rule to be Included in Final Regulations under Section 897(c) of the Code'' (Notice 99–43), received August 18, 1999; to the Committee on Finance.

EC–4698. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Consolidated Returns-Consolidated Overall Foreign Losses and Separate Limitation Losses'' (RIN1545–AW08) (T.D. 8833), received August 18, 1999; to the Committee on Finance.

EC–4699. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Specifications for Filing 1999 Forms 1098, 1099, 5498, and W–2G, Magnetically or Electronically'' (Revenue Procedure 99–29), received August 12, 1999; to the Committee on Finance.

EC–4700. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Furnishing Identifying Number of Income Tax Return Preparer'' (RIN1545–AX27), received August 12, 1999; to the Committee on Finance.

EC–4701. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Inbound Grantor Trusts With Foreign Grantors'' (RIN1545–AU90) (TD8831), received August 9, 1999; to the Committee on Finance.

EC–4702. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Distributions to Foreign Persons Under Section 367(e) and 367(e)(2)'' (RIN1545–AU22) (TD8834), received August 9, 1999; to the Committee on Finance.

EC–4703. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the Helium Privatization Act of 1996; to the Committee on Energy and Natural Resources.

EC–4704. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Use of Facility Contractor Employees for Services to DOE in the Washington, D.C. Area'' (DOE N 350.5), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4705. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Texas Regulatory Program'' (SPATS #TX–041–FOR), received August 9, 1999; to the Committee on Energy and Natural Resources.

EC–4706. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (SPATS #IN–129–FOR), received August 9, 1999; to the Committee on Energy and Natural Resources.

EC–4707. A communication from the Director, Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Reconsideration of Denied Claims'' (RIN2900–AJ03), received August 18, 1999: to the Committee on Veteran's Affairs.

EC–4708. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Food and Nutrition Program for fiscal years 1996 and 1997; to the Committee on Health, Education, Labor, and Pensions.

EC–4709. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the National Breast and Cervical Cancer Early Detection Program for fiscal year 1996; to the Committee on Health, Education, Labor, and Pensions.

EC–4710. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Health, United States, 1999''; to the Committee on Health, Education, Labor, and Pensions.

EC–4711. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (98F–0014), received August 18, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4712. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Petroleum Wax'' (96F–0415), received August 18, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4713. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucralose'' (99F–0001), received August 18, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4714. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucralose Acetate Isobutyrate;

Correction'' (91F–0228), received August 10, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4715. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits'', received August 10, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4716. A communication from the Assistant Secretary for Employment Standards, Employment Standards Administration, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 5333(b) Guidelines to Carry Out New Programs Authorized by the Transportation Equity Act for the 21st Century (TEA–21)'' (RIN1215–AB25), received August 18, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4717. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the purchase upon issuance of securities issued by the Secretary of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC–4718. A communication from the President of the United States, transmitting, pursuant to law, a 6-month periodic report relative to the national emergency caused by the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–4719. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, a combined annual report for the Federal Housing Finance Board and the low-income housing and community development activities of the Federal Home Loan Bank System; to the Committee on Banking, Housing, and Urban Affairs.

EC–4720. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance; 64 FR 42852; 08/06/99'' (Docket No. FEMA–7718), received August 12, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4721. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR 701.21; Loan Interest Rates'' (RIN3133–AC25), received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4722. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 707; Truth in Savings'', received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4723. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 701; Organization and Operation of Federal Credit Unions Charitable Contributions'', received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4724. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 701.30; Safe Deposit Box Service'' (RIN3133–AC19), received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4725. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 708a; Conversion of Insured Credit Unions to Mutual Savings Banks'', received August 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4726. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Environment and Public Works.

EC–4727. A communication from the Director, Office of Congressional Affairs, Office of Enforcement, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''General Statement of Policy and Procedures for NRC Enforcement Actions, NUREG–1600 Rev. 1'', received August 12, 1999; to the Committee on Environment and Public Works.

EC–4728. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators (HMIWIs); State of Missouri'' (FRL #6421–6), received August 12, 1999; to the Committee on Environment and Public Works.

EC–4729. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Large Municipal Waste Combustors (MWCs)'' (FRL #6426–1), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4730. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans (SIP); Interim Final Determination that Louisiana Continues to Correct the Deficiencies of its Enhanced Inspection and Maintenance (I/M) SIP Revision'' (FRL #6422–3), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4731. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina'' (FRL #6426–8), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4732. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''North Carolina: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6427–2), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4733. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Texas: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL #6424–1), received August 12, 1999; to the Committee on Environment and Public Works.

EC–4734. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland: Control of VOC Emissions from Reinforced Plastics Manufacturing'' (FRL #6419–1), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4735. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions for Six California Air Pollution Control Districts'' (FRL #6420–4), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4736. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Bay Area Air Quality Management District, Kern County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District, South Coast Air Quality Management District'' (FRL #6420–34), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4737. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: South Coast Air Quality Management District; Ventura County Air Pollution Control District; Mojave Desert Air Quality Management District'' (FRL #6419–9), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4738. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Dakota; Control of emissions From Existing Hospital/Medical/Infectious Waste Incinerators; Correction'' (FRL #6421–9), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4739. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; General Conformity'' (FRL #6416–2), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4740. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Connecticut; Approval of National Low Emission Vehicle Program'' (FRL #6417–5), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4741. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District'' (FRL #6409–4), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4742. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Wisconsin'' (FRL #6414–7), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4743. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning'' (FRL #6419–5), received August 10, 1999; to the Committee on Environment and Public Works.

EC–4744. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Buprofezin; Extension of Tolerance for Emergency Exemptions'' (FRL #6096–3), received August 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4745. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Carfentrazone-ethyl; Extension of Tolerances for Emergency Exemption'' (FRL #6097–8), received August 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4746. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Demedipham; Extension of Tolerances for Emergency Exemption'' (FRL #6096–7), received August 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4747. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyridate; Pesticide Tolerances for Emergency Exemptions'' (FRL #6094–7), received August 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4748. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Reestablishment of Tolerances for Emergency (FRL #6098–1), received August 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4749. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown In California; Use of Estimated Trade Demand to Compute Volume Regulation Percentages'' (FV99–989–4 FR), received August 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4750. A communication from the Chief, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Technical Assistance'' (RIN0578–AA22), received August 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4751. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents (USCG–1997–2799)'' (RIN2115–AF49) (1999–0001), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4752. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Year 2000 (Y2K) Requirements for Vessels and Marine Facilities; Enforcement Date Change (USCG–1998–4819)'' (RIN2115–AF85) (1999–0002), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4753. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Update of Standards from American Society for Testing and Materials (ASTM)(USCG–1999–5151)'' (RIN2115–AF80), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4754. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; The Clinton Bluefish Festival Fireworks Display, Clinton Harbor, Clinton, CT (CGD–01–99–118)'' (RIN2115–AF97) (1999–0049), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4755. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Columbia River, St. Helens, OR to Port of Benton, WA (CGD–13–99–033)'' (RIN2115–AF97) (1999–0050), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4756. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Port of New York/New Jersey Annual Marine Events (CGD–13–99–135)'' (RIN2115–AF97) (1999–0051), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4757. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Rising Sun Regatta Ohio River Mile 505.0–507.0, Rising Sun, IN (CGD–08–99–049)'' (RIN2115–AE46) (1999–0032), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4758. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Shrewsbury River, NJ(CGD–01–99–010)'' (RIN2115–AE47) (1999–0036), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4759. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Technical Corrections and Denial of Petitions for Reconsideration'' (RIN2137–AD15) (1999–0002), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4760. A communication from the Attorney Advisor, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Oxidizers and Compressed Oxygen Aboard Aircraft'' (RIN2137–AC92), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4761. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Annville, KY; Liberty, PA; Clarendon, PA; and Ridgeley, WV) (MM Docket Nos. 99–51; 99–52; 99–53; and 99–54), received August 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4762. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Manson, IA; Rudd, IA; Pleasantville, IA; Dunkerton, IA; and Manville, WY) (MM Docket Nos. 99–91; 99–92; 99–93; 99–95; and 99–97), received August 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4763. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Corrigan, TX and Lufkin, TX) (MM Docket Nos. 98–135), received August 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4764. A communication from the Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NOAA Climate and Global Change Program'' (RIN0648–ZA65), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4765. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rule to Adjust the Gulf of Maine Cod Landing Limit'' (RIN0648–AM87), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4766. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure for Thornyhead Rockfish in the Western Regulatory Area of the Gulf of Alaska'', received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4767. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments'', received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4768. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States in the Western Pacific; West Coast Salmon Fisheries; Commercial Closure from Fort Ross to Point Reyes, CA; Inseason Adjustment from Cape Flattery to Leadbetter Point, WA'', received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4769. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska: Pacific Ocean Perch in the Central Regulatory Area'', received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4770. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska: Pacific Ocean Perch in the Central Regulatory Area'', received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4771. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska: Northern Rockfish in the Central Regulatory Area'', received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4772. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska: Northern Rockfish in the Central Regulatory Area'', received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4773. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska: Deep-Water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska'', received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4774. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska: Deep-Water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska'', received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4775. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Central Regulatory Area of the Gulf of Alaska to Retention of Sablefish With Trawl Gear'', received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4776. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Central Regulatory Area of the Gulf of Alaska to Directed Fishing for Pacific Ocean Perch'', received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4777. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Western Regulatory Area of the Gulf of Alaska to Retention of Other Rockfish'', received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4778. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the implementation of the TRICARE program; to the Committee on Armed Services.

EC–4779. A communication from the Under Secretary of the Navy, transmitting, pursuant to law, a report relative to the decision to study certain functions performed by military and civilian personnel for possible performance by private contractors; to the Committee on Armed Services.

EC–4780. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4781. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Panama Canal Act of 1979; to the Committee on Armed Services.

EC–4782. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Iraq's weapons of mass destruction programs; to the Committee on Foreign Relations.

EC–4783. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4784. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations'' (RIN3209–AA00 & 3209–AA13), received August 24, 1999; to the Committee on Governmental Affairs.

EC–4785. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received August 20, 1999; to the Committee on Governmental Affairs.

EC–4786. A communication from the Chairman and the President, The John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the 1998 annual report; to the Committee on Rules and Administration.

EC–4787. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Boyd Gaming Commission v. Commissioner, Announcement 99–77'' (Announcement 99–77), received August 19, 1999; to the Committee on Finance.

EC–4788. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''September 1999 Applicable Federal Rates'' (Revenue Ruling 99–37), received August 19, 1999; to the Committee on Finance.

EC–4789. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement 99–89, Correction of Rev. Rul. 99–23'' (Ann. 99–89), received August 19, 1999; to the Committee on Finance.

EC–4790. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''1999 National Pool'' (Rev. Proc. 99–23), received August 24, 1999; to the Committee on Finance.

EC–4791. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 99–39), received August 24, 1999; to the Committee on Finance.

EC–4792. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the level of coverage and expenditures for religious nonmedical health care institutions for fiscal year 1997; to the Committee on Finance.

EC–4793. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Transition to Quieter Airplanes''; to the Committee on Commerce, Science, and Transportation.

EC–4794. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Telecommunications Development Fund; to the Committee on Commerce, Science, and Transportation.

EC–4795. A communication from the President of The United States, transmitting, pursuant to law, a report relative to the national emergency with respect to Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC–4796. A communication from the Acting Assistant Attorney General, transmitting, pursuant to law, a report relative to the Equal Credit Opportunities Act for calendar years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–4797. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Availability of Unpublished Information'' (RIN3069–AA81), received August 20, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4798. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–4799. A communication from the Assistant General Counsel For Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Tenant Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Notice of Change in Effective Date'' (RIN2577–AB91) (FR–4428–N–02), received August 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4800. A communication from the Assistant General Counsel For Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Compliance Procedures for Affirmative Fair Housing Marketing; Nomenclature Change'' (RIN2529–

AA87) (FR–4514–F–01), received August 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4801. A communication from the Assistant General Counsel For Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Acquisition Regulation; Miscellaneous Revisions'' (RIN2525–AA24) (FR–4115–I–01), received August 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4802. A communication from the Assistant General Counsel, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations: Direct Grant Programs'', received August 24, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4803. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 64 FR 44421; 08/16/99'' (Docket No. FEMA–7719), received August 20, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4804. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Rule 17j–1 under the Investment Company Act of 1940; Personal Investment Activities of Investment Company Personnel'' (RIN3235–AG27), received August 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4805. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Performance Improvement 1999: Evaluation Activities of the U.S. Department of Health and Human Services'' for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–4806. A communication from the Chairman, National Committee on Vital and Health Statistics, transmitting, pursuant to law, a report relative to the implementation of the administrative simplification provisions of the ''Health Insurance Portability and Accountability Act''; to the Committee on Health, Education, Labor, and Pensions.

EC–4807. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'' (98F–0571), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4808. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'' (98F–0570), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4809. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Over-the-Counter Drug Products Containing Colloidal Silver Ingredients of Silver Salts'' (96N–0144), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4810. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''General and Plastic Surgery Devices, Effective Date of Requirement for Premarket Approval of the Silicone Inflatable Breast Prosthesis'' (RIN0910–A217), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4811. A communication from the Acting Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Removal of 30 CFR Parts 26 and 29; Removal of 30 CFR Part 75, Subpart S and Revision of Subpart I'' (RIN1219–AA98), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4812. A communication from the Acting Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Preshift Examinations in Underground Coal Mines'' (RIN1219–AB10), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4813. A communication from the Acting Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Calibration and Maintenance Procedures for Wet-Test Meters and Coal Mine Respirable Dust Samplers'' (RIN1219–AA98), received August 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4814. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Radiation-Generating Devices Guide'' (DOE G 441.1–5), received August 20, 1999; to the Committee on Energy and Natural Resources.

EC–4815. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Evaluation and Control of Radiation Dose to the Embryo/Fetus Guide'' (DOE G 441.1–6), received August 20, 1999; to the Committee on Energy and Natural Resources.

EC–4816. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Work Authorization System'' (DOE O 412.1), received August 20, 1999; to the Committee on Energy and Natural Resources.

EC–4817. A communication from the Acting Assistant Secretary of the Interior, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled ''Location, Recording, and Maintenance of Mining Claims'' (RIN1004–AD31), received August 19, 1999; to the Committee on Energy and Natural Resources.

EC–4818. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mediterranean Fruit Fly; Removal of Quarantined Area'' (Docket #98–083–5), received August 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4819. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Gypsy Moth Host Materials from Canada'' (Docket #98–110–1), received August 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4820. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Electronic Freedom of Information Act'' (Docket #99–034–F), received August 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4821. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Use of Soy Protein Concentrate, Modified Food Starch, and Carrageenan as Binders in Certain Meat Products'' (RIN0583–AB82), received August 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4822. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pork Promotion, Research, and Consumer Information Order—Decrease in Importer Assessments'' (LS–99–03), received August 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4823. A communication from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agriculture Acquisition Regulation; Part 413 Reorganization; Simplified Acquisition Procedures'' (RIN0599–AA04), received August 20, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4824. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to Remove the American Peregrine Falcon from the Federal Lists of Endangered and Threatened Wildlife; and to Remove the Similarity of Appearance Provision for Free-Flying Peregrines in the Conterminous United States'' (RIN1018–AF04), received August 20, 1999; to the Committee on Environment and Public Works.

EC–4825. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Approval of Tungsten-iron and Tungsten-polymer Shots, and Temporary Approval of Tungsten-matrix and Tin Shots as Nontoxic for Hunting Waterfowl and Coots'' (RIN1018–AF65), received August 18, 1999; to the Committee on Environment and Public Works.

EC–4826. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Final Frameworks for Early Season Migratory Bird Hunting Regulations'' (RIN1018–AF24), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4827. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999–2000 Early Season'' (RIN1018–AF24), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4828. A communication from the Assistant Secretary for Fish and Wildlife and

Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Early Season and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands'' (RIN1018–AF24), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4829. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''10 CFR Part 76, Certification Renewal and Amendment Processes'' (RIN3150–AF85), received August 19, 1999; to the Committee on Environment and Public Works.

EC–4830. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Colorado Springs Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of a Related Revision'' (FRL #6410–7), received August 19, 1999; to the Committee on Environment and Public Works.

EC–4831. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Incorporation by Reference of State Hazardous Waste Management Program'' (FRL #6423–8), received August 20, 1999; to the Committee on Environment and Public Works.

EC–4832. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services, under a contract, in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4833. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services, under a contract, in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–4834. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services, under a contract, in the amount of $50,000,000 or more to France; to the Committee on Foreign Relations.

EC–4835. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for defense articles and services in the amount of $50,000,000 or more with Turkey; to the Committee on Foreign Relations.

EC–4836. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services, under a contract in the amount of $50,000,000 or more with the United Kingdom and France; to the Committee on Foreign Relations.

EC–4837. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services, under a contract in the amount of $50,000,000 or more with Canada; to the Committee on Foreign Relations.

EC–4838. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services, under a contract in the amount of $50,000,000 or more with Italy and Spain; to the Committee on Foreign Relations.

EC–4839. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services, under a contract in the amount of $50,000,000 or more with Japan; to the Committee on Foreign Relations.

EC–4840. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Germany; to the Committee on Foreign Relations.

EC–4841. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with France; to the Committee on Foreign Relations.

EC–4842. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Belgium and the Netherlands; to the Committee on Foreign Relations.

EC–4843. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with Japan; to the Committee on Foreign Relations.

EC–4844. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Technical Assistance Agreement with Japan; to the Committee on Foreign Relations.

EC–4845. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Haiti and the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1999; to the Committee on Foreign Relations.

EC–4846. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Transport Category Rotorcraft Performance; Final Rule; Request for Comments (8–19/8–16)'' (RIN2120–AG86), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4847. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Harmonization of Critical Parts Rotorcraft Regulations (8–2/8–23)'' (RIN2120–AG60), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4848. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Digital Flight Recorder Requirements for Airbus Airplanes (8–24/8–23)'' (RIN2120–AG88), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4849. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Normal Category Rotorcraft Maximum Weight and Passenger Seat Limitation (8–18/8–16)'' (RIN2120–AF33), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4850. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Airspace and Flight Operations Requirements for Kodak Albuquerque International Balloon Fiesta; Albuquerque, NM (8–17/16)'' (RIN2120–AG79), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4851. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (18); Amdt. No. 1945 (8–13/8–16)'' (RIN2120–AA65) (1999–0041), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4852. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Emporia, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–24 (8–16/8–16)'' (RIN2120–AA66) (1999–0266), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4853. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Rolly/Vichy, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–26 (8–16/8–16)'' (RIN2120–AA66) (1999–0265), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4854. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Lyons, KS; Direct Final Rule; Request for Comments; Docket No. 99–ACE–38 (8–16/8–16)'' (RIN2120–AA66) (1999–0263), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4855. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Ava, MO; Direct Final Rule; Request for Comments; Docket No. 99–ACE–37 (8–16/8–16)'' (RIN2120–AA66) (1999–0264), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4856. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled ''Amendment to Class E Airspace; Frederick Municipal Airport, MD; Docket No. 99–AEA–04 (8–18/8–19)'' (RIN2120–AA66) (1999–0270), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4857. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Roosevelt Roads NS (Ofstie Field), PR; Docket No. 99–ASO–(8–13/8–16)'' (RIN2120–AA66) (1999–0267), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4858. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Ossining, NY; Docket No. 99–AEA–06 (8–13/8–16)'' (RIN2120–AA66) (1999–0269), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4859. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Lake Hood, Elmendorf AFB, and Merrill Field, AK; Docket No. 99–AAL–6 (8–13/8–16)'' (RIN2120–AA66) (1999–0268), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4860. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A310 Series; Docket No. 93–NM–125 (8–18/8–19)'' (RIN2120–AA64) (1999–0305), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4861. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Schweizer Aircraft Corporation Model 269A, 269A–1, 269B, 269C, 269C–1, and 269D Helicopters; Request for Comments; Docket No. 98–SW–31 (8–18/8–19)'' (RIN2120–AA64) (1999–0304), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4862. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empressa Brasileira de Aeronautica, S.A. Model EMB–120 Series Airplanes; Docket No. 98–NM–233 (8–18/8–19)'' (RIN2120–AA64) (1999–0306), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4863. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Israel Aircraft Industries, Ltd., Model Asta SPX Series Airplanes; Request for Comments; Docket No. 99–NM–204 (8–18/8–19)'' (RIN2120–AA64) (1999–0307), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4864. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pilatus Aircraft, Ltd. Models PC–12 and PC–12/45 Airplanes; Docket No. 99–CE–20 (8–13/8–16)'' (RIN2120–AA64) (1999–0303), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4865. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777 Series Airplanes; Docket No. 98–NM–275 (8–13/8–16)'' (RIN2120–AA64) (1999–03023), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4866. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled ''Adapting Military Sex Crime Investigations to Changing Times''; to the Committee on Armed Services.

EC–4867. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, a report relative to Y2K compliance and the TRICARE Management Activity; to the Committee on Armed Services.

EC–4868. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the annual report on the effectiveness and costs of the civilian voluntary separation incentive pay program for fiscal year 1998; to the Committee on Armed Services.

EC–4869. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Short Form Research Contract Clauses'' (DFARS Case 99–D014), received August 26, 1999; to the Committee on Armed Services.

EC–4870. A communication from the Secretary of Defense and the Secretary of Energy, transmitting jointly, pursuant to law, a report entitled ''Tritium Production Technology Options''; to the Committee on Armed Services.

EC–4871. A communication from the Acting Regulations Officer, Office of Process and Innovation Management, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Revised Medical Criteria for Determination of Disability, Endocrine System and Related Criteria'' (RIN0960–AE65), received August 26, 1999; to the Committee on Finance.

EC–4872. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Capital Gains, Installment Sales, Unrecaptured Section 1250 Gain'' (RIN1545–AW85), received August 26, 1999; to the Committee on Finance.

EC–4873. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: All Industries—Research Tax Credit—Qualified Research'' (UIL–41.51–11), received August 26, 1999; to the Committee on Finance.

EC–4874. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: All Industries—Research Tax Credit—Internal Use Software'' (UIL–41.51–10), received August 26, 1999; to the Committee on Finance.

EC–4875. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 99–31, BLS–LIFO Department Store Indexes—July 1999'' (Rev. Rul. 99–31), received August 26, 1999; to the Committee on Finance.

EC–4876. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Repeal of Section 415(e)'' (Notice 99–44), received August 18, 1999; to the Committee on Finance.

EC–4877. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD 8380 Establishment of a Balanced Measurement System'' (RIN1545–AW80), received August 30, 1999; to the Committee on Finance.

EC–4878. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Effective Date of Nondiscrimination Rules for Certain Government Plans'' (Notice 99–40), received August 30, 1999; to the Committee on Finance.

EC–4879. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received August 30, 1999; to the Committee on Governmental Affairs.

EC–4880. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Absence and Leave: Use of Restored Leave'' (RIN3206–AI71), received August 25, 1999; to the Committee on Governmental Affairs.

EC–4881. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''The Role of Delegated Examining Units: Hiring New Employees in a Decentralized Civil Service''; to the Committee on Governmental Affairs.

EC–4882. A communication from the Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Manufactured Housing Thermal Requirements'' (RIN0575–AC11), received August 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4883. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Liquidation and Sale of Commercial Loans'', received August 25, 1999; to the Committee on Small Business.

EC–4884. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorfenapyr; Re-Establishment of Tolerances for Emergency'' (FRL #6095–8), received August 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4885. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cymoxanil; Extension of Tolerances for Emergency Exemptions'' (FRL #6094–4), received August 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4886. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Difenoconazole; Pesticide Tolerances for Emergency Exemptions'' (FRL #6094–3), received August 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4887. A communication from the Congressional Review Coordinator, Regulatory

Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Viruses, Serums, Toxins, and Analogous Products; Update of Incorporation by Reference for Rabies Vaccine'' (Docket No. 97–103–2), received August 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4888. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Soybean Promotion and Research Program: Procedures to Request a Referendum, LS–98–001'', received August 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4889. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Increased Assessment Rate'', (Docket No. FV99–906–2–FR), received August 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4890. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida; Partial Exemption from the Handling Regulation for Producer Field-Packed Tomatoes'', (Docket No. FV98–966–2–IFR), received August 25, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4891. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Veterans Education: Increased Allowances for the Educational Assistance Test Program'' (RIN2900–AJ40), received August 26, 1999; to the Committee on Veterans' Affairs.

EC–4892. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Delegations of Authority; Tort Claims'' (RIN2900–AJ31), received August 25, 1999; to the Committee on Veterans' Affairs.

EC–4893. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Energy Review 1998''; to the Committee on Energy and Natural Resources.

EC–4894. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Safety of Accelerator Facilities'' (DOE O 420.2), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4895. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Nuclear Explosive and Weapon Surety Program'' (AL 452.1A), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4896. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Occupational Radiation Protection Record-Keeping and Reporting Guide'' (DOE G 441.1–11), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4897. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''State Energy Program'' (RIN1904–AB01), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4898. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Posting and Labeling for Radiological Control Guide'' (DOE G 441.1–10), received August 25, 1999; to the Committee on Energy and Natural Resources.

EC–4899. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Radiation Safety Training Guide'' (DOE G 441.1–12), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4900. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Air Monitoring Guide'' (DOE G 441.1–8), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4901. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Unclassified Cyber Security Program'' (DOE N 205.1), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4902. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''External Dosimetry Program Guide'' (DOE G 441.1–4), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4903. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Internal Dosimetry Program Guide'' (DOE G 441.1–3), received August 10, 1999; to the Committee on Energy and Natural Resources.

EC–4904. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Chittenden County Circumferential Highway project in Vermont; to the Committee on Environment and Public Works.

EC–4905. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to the Stafford Act assistance for Texas under Presidential emergency declaration FEMA–3127–EM; to the Committee on Environment and Public Works.

EC–4906. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance; Redesign of Public Assistance Project Administration; 64 FR 41827; 08/02/99'' (RIN3067–AC89), received August 5, 1999; to the Committee on Environment and Public Works.

EC–4907. A communication from the Associate Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Commercial Driver Disqualification Provisions'' (RIN2125–AE28), received August 30, 1999; to the Committee on Environment and Public Works.

EC–4908. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Status for Lake Erie Water Snakes (Nerodia sipedon insularum) on the Offshore Islands of Western Lake Erie'' (RIN1018–AC09), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4909. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards'' (FRL #6426–5), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4910. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans, California State Implementation Plan Revision, South Coast Air Quality Management District, Ventura County Air Pollution Control District'' (FRL #6425–5), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4911. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Contracting by Negotiation'' (FRL #6428–3), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4912. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans, Massachusetts: Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides and Nitrogen Oxide Requirements at Municipal Waste Combustors'' (FRL #6425–45), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4913. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans, California State Implementation Plan Revision, South Coast Air Quality Management District'' (FRL #6423–1), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4914. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California'' (FRL #6427–4), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4915. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indiana: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6430–4), received August 24, 1999; to the Committee on Environment and Public Works.

EC–4916. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Louisiana: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6428–6), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4917. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program'' (FRL #6422–1), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4918. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Enhanced Inspection and Maintenance Program'' (FRL #6428–8), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4919. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementations; Ohio Designation of Areas for Air Quality Planning Purposes; Ohio'' (FRL #6425–1), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4920. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Alaska'' (FRL #6412–7), received August 26, 1999; to the Committee on Environment and Public Works.

EC–4921. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pharmaceutical Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Correcting Amendments'' (FRL #6431–8), received August 30, 1999; to the Committee on Environment and Public Works.

EC–4922. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Volatile Organic Compound Regulations'' (FRL #6421–8), received August 30, 1999; to the Committee on Environment and Public Works.

EC–4923. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California-Owens Valley Nonattainment Area; PM–10'' (FRL #6430–7), received August 30, 1999; to the Committee on Environment and Public Works.

EC–4924. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Massachusetts; Plan for Controlling MWC Emissions from Existing MWC Plants''; to the Committee on Environment and Public Works.

EC–4925. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Services Block Grant Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC–4926. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Teacher Quality Enhancement Grants Program'' (RIN1840–AC67), received August 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4927. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Projects with Industry (Technical Amendments)'' (34 CFR Part 379), received August 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4928. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind'' (CFDA No. 84.160), received August 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4929. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adhesives and Components of Coatings'' (99F–0487), received August 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4930. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'' (98F–1034), received August 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4931. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Polymers'' (96F–0176), received August 25, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4932. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted in the Feed and Drinking Water of Animals; Menadione Nicotinamide Bisulfite'' (98F–0195), received August 30, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4933. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted in the Feed and Drinking Water of Animals; Menadione Nicotinamide Bisulfite'' (98F–0283), received August 30, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4934. A communication from the Solicitor General, transmitting, a report relative to the Supreme Court decision in ''Greater New Orleans Broadcasting Association v. United States''; to the Committee on the Judiciary.

EC–4935. A communication from the Deputy Assistant Attorney General, Office of Policy Development, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties Inflation Adjustment'' (RIN1105–AA48), received August 30, 1999; to the Committee on the Judiciary.

EC–4936. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Credit by Brokers and Dealers (Regulation T); List of Foreign Margin Stocks'', received August 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4937. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Bank Secrecy Act Regulations-Definitions Relating to, and Registration of, Money Services Businesses'' (RIN1506–AA09), received August 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4938. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Letters of Credit, Suretyship and Guaranty'' (RIN1550–AB21), received August 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4939. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the extension of the national emergency declared in Executive Order 12924 relating to the expiration of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–4940. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Editorial Clarification and Revisions to the Export Administration Regulations'' (RIN0694–AB81), received August 26, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4941. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exports and Reexports of Commercial Charges and Devices Containing Energetic Materials'' (RIN0694–AB98), received August 30, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4942. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Kingdom of Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC–4943. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–4944. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Smith Center, KS; Direct Final Rule; Request for Comments; Docket No. 99–ACE–32 (8–9/8–12)'' (RIN2120–AA66) (1999–0259), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4945. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Jefferson, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–31 (8–9/8–12)'' (RIN2120–AA66) (1999–0258), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4946. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Hebron, NE; Direct Final Rule; Request for Comments; Docket No. 99–ACE–27 (8–9/8–12)'' (RIN2120–AA66) (1999–0261), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4947. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Wayne, NE; Direct Final Rule; Request for Comments; Docket No. 99–ACE–29 (8–9/8–12)'' (RIN2120–AA66) (1999–0262), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4948. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Clarinda, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–17 (8–9/8–12)'' (RIN2120–AA66) (1999–0253), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4949. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Rock Rapids, IA; Direct Final Rule; Delay of Effective Date; Docket No. 99–ACE–15 (8–11/8–12)'' (RIN2120–AA66) (1999–0254), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4950. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Babylon, NY; Docket No. 99–AEA–05 (8–4/8–12)'' (RIN2120–AA66) (1999–0257), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4951. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Thedford, NE; Docket No. 99–ACE–23 (8–10/8–12)'' (RIN2120–AA66) (1999–0256), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4952. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Class D and Class E Airspace; Terre Haute, IN; Docket No. 99–AGL–35 (8–27/–30)'' (RIN2120–AA66) (1999–0283), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4953. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Class E Airspace; Kingman, AZ; Docket No. 97–AWP–12 (8–10/8–12)'' (RIN2120–AA66) (1999–0255), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4954. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Class E Airspace; Escanaba, MI; Docket No. 97–AGL–34 (8–27/8–30)'' (RIN2120–AA66) (1999–0282), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4955. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Class B Airspace Area, Orlando, FL; and Modification of the Orlando Sanford Airport Class D Airspace Area; Docket No. 95–AWA–4 (8–5/8–9)'' (RIN2120–AA66) (1999–0249), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4956. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace Lafayette, Aretz Airport, IN; Docket No. 99–AGL–36 (8–27/8–30)'' (RIN2120–AA66) (1999–0281), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4957. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Altus, OK; Direct Final Rule; Request for Comments; Docket No. 99–ASW–16 (8–5/8–9)'' (RIN2120–AA66) (1999–0251), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4958. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Antlers, OK; Direct Final Rule; Request for Comments; Docket No. 99–ASW–17 (8–5/8–9)'' (RIN2120–AA66) (1999–0250), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4959. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Galveston, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–09 (8–5/8–9)'' (RIN2120–AA66) (1999–0248), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4960. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Shreveport, LA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–10 (8–5/8–9)'' (RIN2120–AA66) (1999–0247), received August 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4961. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Legal Description of the Class E Airspace; Cincinnati, OH; Docket No. 99–AGL–32 (8–27/8–30)'' (RIN2120–AA66) (1999–0280), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4962. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (97); Amdt. No. 1944 (8–13/8–16)'' (RIN2120–AA65) (1999–0040), received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4963. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airport Name Changes and Revision of Legal Description of Class D, Class E2, and Class E4 Airspace Areas; Barbers Point, HI; Docket No. 99–AWP–11 (8–12/8–12)'' (RIN2120–AA66) (1999–0252), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4964. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of VOR Federal Airways, MO; Direct Final Rule; Request for Comments; Docket No. 99–ACE–14 (8–9/8–12)'' (RIN2120–AA66) (1999–0260), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4965. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727–600, –700, and –800 Series Airplanes; Request for Comments; Docket No. 99–NM–188 (8–9/8–12)'' (RIN2120–AA64) (1999–0295), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4966. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 Series Airplanes; Request for Comments; Docket No. 99–NM–180 (8–9/8–12)'' (RIN2120–AA64) (1999–0296), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4967. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 Series Airplanes; Request for Comments; Docket No. 99–NM–61 (8–9/8–12)'' (RIN2120–AA64) (1999–0294), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4968. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Model Beech 1900D Airplanes; Docket No. 98–CE–123 (8–9/8–12)'' (RIN2120–AA64) (1999–0298), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4969. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

''Airworthiness Directives: Airbus Model A310 Series Airplanes; Docket No. 99–NM–16 (8–/8–12)'' (RIN2120–AA64) (1999–0299), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4970. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopters Textron Model 230 Helicopters; Request for Comments; Docket No. 98–SW–52 (8–9/8–12)'' (RIN2120–AA64) (1999–0297), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4971. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopters Textron Model 204B, 205A and 205A–1 Helicopters; Docket No. 98–SW–73 (8–12/8–12)'' (RIN2120–AA64) (1999–0300), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4972. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters, Inc. (MDHI) Model MD–900 Helicopters; Docket No. 98–SW–42 (8–6/8–9)'' (RIN2120–AA64) (1999–0293), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4973. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300, A310, and A300–600 Series Airplanes; Request for Comments: Docket No. 99–NM–189 (8–9/8–12)'' (RIN2120–AA64) (1999–0301), received August 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4974. A communication from the Supervisory Attorney/Advisor, Common Carrier Bureau, Accounting Safeguards Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''1998 Biennial Regulatory Review-Review of Cost Accounting and Cost Allocation Requirements'' (CC Docket No. 98–81) (FCC 99–106), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4975. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''RF Lighting Devices-Biennial Regulatory Review (ET Docket 98–42)'' (ET Docket No. 98–42) (FCC 99–135), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4976. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Modification of Class E Airspace: La Crosse, WI; Docket No. 99–AGL–29 (8–25/8–26)'' (RIN2120–AA66) (1999–0272), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4977. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Modification of Class E Airspace: Mankato, MN; Docket No. 99–AGL–30 (8–26/8–25)'' (RIN2120–AA66) (1999–0271), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4978. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Modification of Class E Airspace: Eau Claire, WI; Docket No. 99–AGL–28 (8–25/8–26)'' (RIN2120–AA66) (1999–0273), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4979. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Modification of Class E Airspace: Minneapolis, MN; Docket No. 99–AGL–33 (8–26/8–25)'' (RIN2120–AA66) (1999–0275), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4980. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Modification of Class E Airspace: Sheridan, IN; Docket No. 99–AGL–31 (8–26/8–25)'' (RIN2120–AA66) (1999–0276), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4981. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Amendment of Class E Airspace: Fort Rucker, AL; Docket No. 99–ASO–11 (8–26/8–24)'' (RIN2120–AA66) (1999–0279), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4982. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Establishment of Class E Airspace: Tupelo, MS; Docket No. 9–ASO–10 (8–26/8–24)'' (RIN2120–AA66) (1999–0277), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4983. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Removal of Class E Airspace: Arlington, TN; Docket No. 99–ASO–16 (8–26/8–24)'' (RIN2120–AA66) (1999–0278), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4984. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–700 and 800 Series Airplanes; Docket No. 99–NM–179 (8–25/8–26)'' (RIN2120–AA64) (1999–0316), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4985. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200 and –300 Series Airplanes; Docket No. 99–NM–06 (8–20/8–23)'' (RIN2120–AA64) (1999–0311), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4986. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Bus Model A319, A320, and A321 Series Airplanes; Docket No. 99–NM–29 (8–223/8–26)'' (RIN2120–AA64) (1999–0318), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4987. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model B Ae 146 and Model Avro 146–RJ Series Airplanes; Docket No. 97–NM–129 (8–23/8–26)'' (RIN2120–AA64) (1999–0317), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4988. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lockheed Model L–1011 Series Airplanes; Docket No. 98–NM–315 (8–20/8–23)'' (RIN2120–AA64) (1999–0315), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4989. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8 Series Airplanes; Docket No. 99–NM–55 (8–20/8–23)'' (RIN2120–AA64) (1999–0312), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4990. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus, Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes; Docket No. 99–CE–10 (8–20/8–23)'' (RIN2120–AA64) (1999–0308), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4991. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada, Model 206L, L–1, L–3, and L–4 Helicopters; Docket No. 99–SW–30–AD (8–20/8–23)'' (RIN2120–AA64) (1999–0310), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4992. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters; Model 600N Helicopters; Docket No. 99–SW–16 (8–20/8–23)'' (RIN2120–AA64) (1999–0313), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4993. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Allison Engine Company, Inc. AE2100A and AE2100C Series Turboprop Engines; Docket No. 99–NE–14 (8–20/8–23)'' (RIN2120–AA64) (1999–0309), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4994. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney PW4000A Series Turbofan Engines; Docket No. 99–NE–22 (8–20/8–23)'' (RIN2120–AA64) (1999–0314), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4995. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4996. A communication from the Senior Civilian Official, Command, Control, Communications, and Intelligence, Department of Defense, transmitting, pursuant to law, a report entitled ''Plan for Development of an Enhanced Global Positioning System (GPS)'', dated July, 1999; to the Committee on Armed Services.

EC–4997. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the transportation of Chemical Agent Identification Sets (CAIS) from Guam to Johnston Atoll; to the Committee on Armed Services.

EC–4998. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 99–33), received August 24, 1999; to the Committee on Finance.

EC–4999. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Market Segment Specialization Program Audit Techniques Guide-Placer Mining Industry'', received August 24, 1999; to the Committee on Finance.

EC–5000. A communication from the Chief, Regulations Branch, U.S. Customs service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Accreditation of Commercial Testing Laboratories; Approval of Commercial Gaugers'' (RIN1515–AB60), received August 30, 1999; to the Committee on Finance.

EC–5001. A communication from the Chief, Regulations Branch, U.S. Customs service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Textiles and Textile Products; Denial of Entry'' (RIN1515–AC49), received August 31, 1999; to the Committee on Finance.

EC–5002. A communication from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, transmitting, pursuant to law, the report of a rule entitled ''Trademark Law Treaty Implementation Act Changes'' (RIN0651–AB00), received August 31, 1999; to the Committee on the Judiciary.

EC–5003. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL #6431–2), received August 31, 1999; to the Committee on Environment and Public Works.

EC–5004. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems'' (FRL #6433–1), received August 31, 1999; to the Committee on Environment and Public Works.

EC–5005. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Final Endangered Status for 10 Plant Taxa from Maui Nui, Hawaii'' (RIN1018–AE22), received August 31, 1999; to the Committee on Environment and Public Works.

EC–5006. A communication from the Assistant General Counsel for Regulations, Office of Post Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations-William D. Ford Federal Direct Loan (Direct Loan) Program'' (RIN1840–AC68), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5007. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Substantial Evidence of Effectiveness of New Animal Drugs'' (RIN 0910–AB08), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5008. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids and Sanitizers'' (91F–0399), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5009. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Paper and Paperboard Components'' (96F–0145), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5010. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Paper and Paperboard Components'' (96F–0871), received August 31, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5011. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings'' (STB Ex Parte No. 527 (Sub-No. 2)), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5012. A communication from the Deputy Assistant Administrator, National Ocean Service, Estuarine Reserves Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Federal Register Notice/FY00 National Estuarine Research Reserve Graduate Research Fellowship'' (RIN0648–ZA66), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5013. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Chelsea Street Bridge Fender System Repair, Chelsea River, MA (CGD01–99–141)'' (RIN2115–AA97) (1999–0052), received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5014. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Salvage of Sunken Fishing Vessel CAPE FEAR, Buzzards Bay, MA (CGD01–99–145)'' (RIN2115–AA97) (1999–0054), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5015. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Decker Wedding Fireworks, Western Long Island Sound, Rye, NY (CGD01–99–149)'' (RIN2115–AA97) (1999–0053), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5016. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Staten Island Fireworks, Lower New York Bay and Raritan Bay (CGD01–99–094)'' (RIN2115–AA97) (1999–0055), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5017. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Hutchinson River, NY (CGD01–99–153)'' (RIN2115–AE47) (1999–0039), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5018. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Danvers River, MA (CGD01–99–148)'' (RIN2115–AE47) (1999–0037), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5019. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Long Island Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY (CGD01–99–080)'' (RIN2115–AE47) (1999–0038), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5020. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Patapsco River, Baltimore, MD (CGD05–99–071)'' (RIN2115–AE47) (1999–0034), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5021. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Mears Point Marina and Red Eyes Dock Bar Fireworks Display, Chester River, Kent Narrows, MD (CGD05–99–0701)'' (RIN2115–AE467) (1999–00334), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5022. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Measurement System Exemption from Gross Tonnage (USCG–1999–5118)'' (RIN2115–AF76), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5023. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Child Restraint Systems; Child Restraint Anchorage Systems; Response to Petitions for Reconsideration; Docket No. NHTSA–99–6160'' (RIN2127–AH65), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5024. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Functional Equivalence of Headlight Concealment with European Regulations'' (RIN2127–AH18), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5025. A communication from the Legal Technician, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''State Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons; Correction of Effective Date Under the Congressional Review Act'' (RIN2127–AH39), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5026. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Location of Rollover Warning Labels; Response to Petitions for Reconsideration'' (RIN2127–AH68), received August 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5027. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Qualification of Pipeline Personnel'' (RIN2137–AB38), received August 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5028. A communication from the Associate Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Parts and Accessories Necessary for Safe Operation; Rear Impact Guards and Rear Impact Protection'' (RIN2125–AE15), received August 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5029. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Catch Reporting; Determination of State Jurisdiction'' (RIN0648–AM81), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5030. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna 1999 Quota and Effort Control Specifications'' (RIN0648–AM17), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5031. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Catch Specifications for the Gulf and Atlantic Groups of King and Spanish Mackerel'' (RIN0648–AL80), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5032. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Tuna Fisheries; Regulatory Adjustment to Suspend Deadline for Atlantic Tunas Permit Category Changes for 1999 only'' (RIN0648–AM69), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5033. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Tuna Fisheries; Regulatory Adjustment to Establish a Deadline for Atlantic Tunas Permit Category Changes of June 11 for 1999 only'' (RIN0648–AM69), received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5034. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Modification of a Closure for Pacific Ocean Perch in the West Yukatat District of the Gulf of Alaska'', received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5035. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure for Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska'', received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5036. A communication from the Chief Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Halibut Bycatch Mortality Allowance in the Bering Sea and Aleutian Islands Management Area'', received August 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5037. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Commercial Fishery for King Mackerel in the Exclusive Economic Zone in the Western Zone of the Gulf of Mexico'', received August 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5038. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Modification of a Closure (Opens Directed Fishing for Pacific Cod for Inshore Processing in the Central Regulatory Area of the Gulf of Alaska)'', received August 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5039. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Hook-and-Line Gear for Groundfish Except for Sablefish or Demersal Shelf Rockfish in the Gulf of Alaska'', received August 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5040. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Commercial Quota Adjustment for 1999 for the Summer State Flounder Quotas'', received August 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5041. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea'', received August 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5042. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Broadcast Television Local Ownership Rules (MM Docket No. 91–221, 87–8)'' (RIN3060–AF82) (FCC 99–209), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5043. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a No. 96–222, 87–8)'' (RIN3060–AF82) (FCC 99–208), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5044. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Attribution of Broadcast Interests (MM Docket No. 94–150, 92–150, 87–154)'' (RIN3060–AF82) (FCC 99–207), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5045. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations; Cedar Key, FL'' (MM Docket No. 99–72), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5046. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table Docket No. 98–64), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5047. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations; Clifton, IL; Lennox, SD; and Sibley, IA'' (MM Docket Nos. 98–213; 98–215; and 98–219), received August 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5048. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Memorandum Opinion and Order—Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses; Reexamination of the Policy Statement on Comparative Broadcast Hearings; Proposals to Reform the Commission's Comparative . . . (MM Docket No. 98–234; GC Docket No. 92–52 and Gen. Docket No. 90–264, FCC 99–201)'', received August 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5049. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Communications Assistance for Law Enforcement Act (Report and Order)'' (CC Doc. 97–213, FCC 99–11), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5050. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of

a rule entitled ''In the Matter of Communications Assistance for Law Enforcement Act (Order on Reconsideration)'' (CC Doc. 97–213, FCC 99–184), received August 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5051. A communication from the President of the United States, transmitting, pursuant to Section 2006 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31), a report relative to Operation Allied Force; to the Committee on Foreign Relations.

EC–5052. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to those persons operating directly or indirectly in the United States or any of its territories and possessions that are Communist Chinese military companies; to the Select Committee on Intelligence.

EC–5053. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Electronic Publication of DFARS'' (DFARS Case 98–D024), received August 26, 1999; to the Committee on Armed Services.

EC–5054. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Improved Accounting for Defense Contract Services'' (DFARS Case 98–D312), received August 26, 1999; to the Committee on Armed Services.

EC–5055. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report of the Bureau of Justice for fiscal year 1999, to the Committee on Governmental Affairs.

EC–5056. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–132, ''Closing of Public Alleys in Square 455, S.O. 98–194, Act of 1999''; to the Committee on Governmental Affairs.

EC–5057. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–124, ''Moratorium on the Issuance of New Retailer's License Class B Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–5058. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–123, ''Condominium Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–5059. A communication from the Director, Office of Personnel Management, transmitting a draft of proposed legislation relative tovoluntary separation incentives for Federal agencies; to the Committee on Governmental Affairs.

EC–5060. A communication from the Commissioner, Social Security Administration, transmitting a draft of proposed legislation entitled ''Disability and Health Assistance for Immigrants Act of 1999''; to the Committee on Finance.

EC–5061. A communication from the Administrator, Small Business Administration, transmitting a draft of proposed legislation entitled ''The U.S. Small Business Administration's 21st Century Workforce Act of 1999''; to the Committee on Small Business.

EC–5062. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation DD; Truth in Savings'' (Docket No. R–1003), received September 2, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5063. A communication from the Acting Deputy General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to the Committee on Banking, Housing, and Urban Affairs.

EC–5064. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation relative to medical expenses incurred by the U.S. Park Police and for other purposes; to the Committee on Energy and Natural Resources.

EC–5065. A communication from the Assistant Secretary, Employment Standards Administration, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Industries in American Samoa; Wage Order'', received September 3, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5066. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal Sector Equal Employment Opportunity'' (RIN3046–AA66), received September 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5067. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation entitled ''Elderly Nutrition Benefits Act of 1999''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5068. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerances'' (FRL #6380–7), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5069. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Horses from Morocco; Change in Disease Status'' (Docket No. 98–055–2), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5070. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Increased Assessment Rate'' (Docket No. FV99–924–1 FR), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5071. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the New England and Other Marketing Areas; Order Amending the Orders'' (DA–97–12), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5072. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Interim Rule: Flood Compensation Program'' (RIN0560–AF57), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5073. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Interim Rule: Small Hog Operation Payment Program'' (RIN0560–AF70), received September 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5074. A communication from the Director, Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Agreement with the State of Ohio'', received September 2, 1999; to the Committee on Environment and Public Works.

EC–5075. A communication from the Director, Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Changes to Requirements for Environmental Review of Nuclear Power Plant Operating Licenses (10 CFR Part 51)'' (150–AG05), received September 2, 1999; to the Committee on Environment and Public Works.

EC–5076. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Maryland; Control of Emissions from Existing Municipal Solid Waste Landfills'' (FRL #6433–7), received September 2, 1999; to the Committee on Environment and Public Works.

EC–5077. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee; Approval of Revisions to the Tennessee State Implementation Plan'' (FRL #6433–4), received September 2, 1999; to the Committee on Environment and Public Works.

EC–5078. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Compliance and Determination that the States of Vermont and West Virginia Meet Federal Falconry Standards'' (RIN1018–AE65), received September 2, 1999; to the Committee on Environment and Public Works.

EC–5079. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to activities of the Commercial Space Transportation Program for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–5080. A communication from the Assistant Bureau Chief, Management, International Bureau-Telecom, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of International Settlement Rates'' (IB Docket No. 96–261) (FCC 99–124), received September 2, 1999; to the Committee on Environment and Public Works.

EC–5081. A communication from the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Removal, Revision, and Redesignation of Miscellaneous Regulations'' (STB—) to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

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

POM–309. A resolution adopted by the Senate of the Legislature of the State of California relative to Social Security; to the Committee on Finance.

SENATE RESOLUTION NO. 15

Whereas, For 60 years social security has provided a stable platform of retirement, disability, and survivor annuity benefits to protect working Americans and their dependents; and

Whereas, The American and world economies continue to encounter periods of high uncertainty and volatility that make it as important as ever to preserve a basic and continuous safety net of protections guaranteed by our society's largest repository of risk, the federal government; and

Whereas, Social security affords protections to rich and poor alike. No citizen, no matter how well off today, can say that tomorrow's adversities will not create future dependency; and

Whereas, Average life expectancies are increasing greatly and people are commonly living into their 80's and 90's, making it more important than ever that each of us be fully protected by defined retirement benefits; and

Whereas, Medical scientists are daily discovering more creative ways to preserve the lives of the profoundly disabled, thus making it more important than ever that each of us be protected against the risks of our own dependency, against the risk of becoming a burden to relatives, and against the risk of succumbing to a disability unrelated to the duration of life; and

Whereas, The lives of wage earners and their spouses are seldom coterminous. One spouse often outlives the other by decades, making it crucial to preserve a secure base of protection for family members dependent on a wage earner who may die or become disabled; and

Whereas, The children of working Americans require protection against the untimely death or disability of their wage-earning parents, contingencies that are too often uncovered by working Americans and their employers; and

Whereas, The costs of administering social security are less than 1 percent of the benefits delivered; and

Whereas, The single purpose of social security is to provide a strong, simple, and efficient form of basic insurance against the adversities of old age, disability, and dependency; and

Whereas, Social security was founded on the sanctity of work and the preservation of family integrity in the face of death or disability; and

Whereas, Social security, in current form, reinforces family cohesiveness and enhances the value of work in our society; and

Whereas, Congress currently has proposals to shift a portion of social security contributions from insurance to personal investment accounts for each wage earner; and

Whereas, Social security, our largest and most fundamental insurance system, should not be splintered into individualized stock accounts. Social security cannot fulfill its protective function if it must also create and manage millions of small risk-bearing investments out of a stream of contributions intended as insurance. Private accounts cannot be substituted for social security without eroding basic protections for working families. For these protections to be strong, they must be insulated from economic uncertainty and be backed by the entity best capable of spreading risk, the American government; and

Whereas, The diversion of contributions to private investment accounts would dramatically increase financial shortfalls to the social security trust fund and require major reductions in the defined benefits upon which millions of Americans depend. To administer 150,000,000 separate investment accounts would create an ever proliferating bureaucracy. The resulting expense and the cost of converting each account to an annuity upon retirement would consume much of the profit, or exacerbate the loss, realized by each participant; and

Whereas, It is an entirely different question whether part of the social security trust fund should be diversified into investments other than government bonds. For the fund to invest collectively in a broad selection of equities and private bonds may well increase returns over time and thus enhance the capacity of the fund to meet its obligations to pay benefits as presently defined. The central management for those investments would be a minor expense compared to the staggering cost of overseeing millions of splintered accounts. Central investment also preserves the spreading of risk across the entire spectrum of social security participants. Individualized accounts, by contrast, would create an array of winners and losers, thus converting part of our retirement system into a national lottery. Those who become disabled, those who must retire early, and dependents with the earliest and greatest need would receive the least in return. The system would be perversely contrary to basic principles of insurance and risk distribution; and

Whereas, Diverting social security contributions to private accounts is redundant to existing programs. Through amendments to the Internal Revenue Code of 1986, Congress has created a full menu of provisions by which working Americans and their employers may contribute by choice to tax-sheltered accounts that are open to the opportunities and exposed fully to the risks of our speculative and vigorous investment markets. One-half of American families are already covered by these recently created systems; now, therefore be it

Resolved by the Senate of the State of California, That the federal government is respectfully requested to take appropriate steps to encourage workers and their employers to save or invest for retirement to supplement the basic benefits of the Social Security Program, but not as a substitute for the core protections that are vital to American working families; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

POM–310. A concurrent resolution adopted by the Legislature of the State of California relative to Domestic Violence Awareness Month; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, Home should be a place of warmth, unconditional love, tranquility, and security; however, for many Americans, home is tainted with violence and fear; and

Whereas, Domestic violence is much more than the occasional family dispute; and

Whereas, According to the United States Department of Health and Human Services, domestic violence is the single largest cause of injury to American women, affecting 6,000,000 women of all racial, cultural, and economic backgrounds; and

Whereas, According to data published by the California Department of Justice in 1996, 624 incidents of domestic violence were reported, on average, every day in California. According to the American Psychological Association, nearly one in three adult women are physicially assaulted by a partner during adulthood; and

Whereas, According to the United States Department of Labor, 1,000,000 people are assaulted and injured every year as a result of workplace violence, 1,000 people are killed every year due to workplace violence, and 30 percent of battered women lose their jobs due to harassment at work by abusive husbands or boyfriends; and

Whereas, More than one-half of the number of women in need of shelter from an abusive environment may be turned away from a shelter due to lack of space; and

Whereas, Women are not the only targets of domestic violence; young children, elderly persons, and men are also victims in their own homes; and

Whereas, Emotional scars are often permanent; and

Whereas, A coalition of organizations has emerged to confront this crisis directly. Law enforcement agencies, domestic violence hotlines, battered women and children's shelters, health care providers, churches, and the volunteers that serve those entities are helping the effort to end domestic violence; and

Whereas, It is important to recognize the compassion and dedication of the individuals involved in that effort, applaud their commitment, and increase public understanding of this significant problem; and

Whereas, The first Day of Unity was celebrated in October 1981 and was sponsored by the National Coalition Against Domestic Violence for the purpose of uniting battered women's advocates across the nation in an effort to end domestic violence; and

Whereas, That one day has grown into a month of activities at all levels of government, aimed at creating awareness about the problem and presenting solutions; and

Whereas, The first Domestic Violence Awareness Month was proclaimed in October 1987; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby proclaims the month of October 1999, as Domestic Violence Awareness Month; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States, the Governor of the State of California, the Director of the United States Department of Health and Human Services, and to each Senator and Representative from California in the Congress of the United States.

POM–311. A joint resolution adopted by the Legislature of the State of California relative to Medicare; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 1

Whereas, Many health maintenance organizations (HMOs) have thrown the Medicare system into a state of turmoil by withdrawing coverage of Medicare enrollees at the end of 1998; and

Whereas, Thousands of HMO patients in California are now in a state of panic and confusion regarding their future ability to access health care services, including pharmacy benefits, at a reasonable cost; and

Whereas, In California, 39 percent of Medicare enrollees, or approximately 1.5 million patients, are served by HMOs, more than double the national average; and

Whereas, In recent years, HMOs have aggressively and successfully recruited the elderly into their Medicare health plans with promises to provide more benefits than standard fee-for-service Medicare coverage, including allowances for prescription drugs, hearing aids, and eyeglasses; and

Whereas, Each year HMOs participating in the Medicare managed care program are required to notify the federal Health Care Financing Administration (HCFA) whether

they will renew their contracts for the following year; and

Whereas, This year, numerous HMOs have notified HCFA that they will not renew their contracts for next year, or will reduce the areas that they currently serve, with these withdrawals and service area reductions adversely affecting more than 400,000 beneficiaries across the nation, and over 40,000 Medicare patients in California; and

Whereas, The Inspector General of the United States Department of Health and Human Services has discovered that HMOs have been receiving more than $1 billion annually in overpayments from the Medicare Trust Fund, because HMOs are inflating administration costs dedicated to marketing, executive salaries and fringe benefits, legal fees, and other overhead costs; and

Whereas, The inspector general has recommended that these funds be recovered from HMOs and dedicated to providing Medicare beneficiaries with added health benefits, including prescription drugs; and

Whereas, Many Medicare patients not served by HMOs purchase Medicare supplement insurance, also known as Medigap coverage, which fills in the gaps in Medicare coverage and offers patients the most flexibility in choosing doctors and hospitals, and premiums for Medigap insurance have increased, on average, 35 percent since 1994; and

Whereas, Under the federal Balanced Budget Act of 1997, seniors enrolled in a Medicare HMO that terminates its services are eligible to purchase specified Medigap insurance coverage, regardless of their health status, but the last day to take advantage of this guaranteed access is March 4, 1999; and

Whereas, Disabled individuals who qualify for Medicare, but are younger than 65 years of age, are not guaranteed access to Medigap coverage under a federal interpretation of federal law, and will need special assistance to secure health care services after they are abandoned by their HMOs; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the Federal Government to take immediate and appropriate steps to ensure that persons abandoned by Medicare HMOs have access to other HMO or Medigap policies that cover prescription drugs and to establish stopgap measures to ensure that HMOs do not further restrict coverage areas or benefits until the larger issue of the Medicare HMO payment mechanism is further examined or refined; and be in further

Resolved, That the Legislature respectfully memorializes the Federal Government to rescind its determination that disabled persons under 65 years of age enrolled in HMOs do not have the same guaranteed rights to Medigap policies as all other Medicare enrollees; and be it further

Resolved, That the Legislature respectfully memorializes the President of the United States to issue an Executive order directing his administration to work closely and coordinate with California and other states to guide and assist Medicare enrollees who are abandoned by their HMOs to find new Medicare coverage, either in the form of another HMO that serves the abandoned region, or through Medigap coverage, until appropriate federal legislation is enacted to address permanently these types of dislocations that adversely affect Medicare patients; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the majority leader of the Senate, each Senator and Representative from California in the Congress of the United States, and Secretary of Health and Human Services, and the Administrator of the Health Care Financing Administration.

POM–312. A joint resolution adopted by the Legislature of the State or California relative to the U.S. Coast Guard Training Facility (TRACEN) Petaluma; to the Committee on Commerce, Science, and Transportation.

SENTE JOINT RESOLUTION NO. 3

Whereas, The United States Coast Guard is presently assessing its training structure for cost-effectiveness and is considering consolidating or closing one or two of its five training centers including the United States Coast Guard Training Center (TRACEN) Petaluma in the rural community of Two Rock, California; and

Whereas, TRACEN Petaluma is the only Coast Guard training facility on the west coast, while the Coast Guard maintains four other training centers on the eastern seaboard; and

Whereas, In the case of a prolonged national emergency, a Coast Guard training facility on the west coast has both logistic and strategic value to the service's two-ocean mission and to national security; and

Whereas, The mild California coastal climate makes it possible for TRACEN Petaluma to conduct outdoor exercises year round; and

Whereas, The Coast Guard has invested more than $50 million in TRACEN Petaluma since its inception, including $29 million to construct a state-of-the-art electronics and telecommunications training facility; and

Whereas, The rural community of Two Rock is dependent on TRACEN Petaluma for the continued existence of its neighborhood school and for fire and emergency services; and

Whereas, TRACEN Petaluma contributes $24.9 million annually to the North Bay economy in an areas that has been severely impacted by military base closures; and

Whereas, The closings of veterans hospitals in California have increased the dependence of retired military on the health services available at the TRACEN Petaluma medical facility; and

Whereas, TRACEN Petaluma also houses essential non-Coast Guard training activities for police, fire, and emergency personnel and rangers employed by local, state, and federal agencies operating throughout the region; and

Whereas, These entities have no other place to continue their training activities in the near future; and

Whereas, TRACEN Petaluma has a tradition of excellence recognized by the Coast Guard, a well-earned reputation for community involvement, and a legacy of environmental stewardship;

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature believes the continued operation of the United States Coast Guard Training Center (TRACEN) Petaluma is beneficial to the critical public safety and national security mission of the United States Coast Guard, and to the people and economy of California; and be it further

Resolved, That the Legislature respectfully memorializes the President and the Congress of the United States, and the United States Coast Guard to continue the operation of the United States Coast Guard Training Facility (TRACEN) Petaluma through increased utilization of its facilities and more efficient use of the Coast Guard's east coast facilities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and each Senator and Representative from California in the Congress of the United States, and to the United States Coast Guard.

POM–313. A joint resolution adopted by the Legislature of the State of California relative to human rights; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 4

Whereas, The legacy of war in Afghanistan has had a devastating impact on the civilian population; and

Whereas, The warring factions in Afghanistan have routinely violated the rights of women and girls; and

Whereas, There has been a marked increase in human rights violations against women and girls since the Taliban militia seized the City of Kabul in September 1996; and

Whereas, Afghan women are now forbidden to work outside of the home. Prior to the Taliban takeover, women worked outside of the home in various professions; and

Whereas, Seventy percent of school teachers, 50 percent of civilian government workers, and 40 percent of doctors in Kabul were women; and

Whereas, Afghan girls and women are prohibited from attending schools and universities. Before the takeover, 50 percent of the students in Afghanistan were women; and

Whereas, Afghan women are forbidden from appearing outside the home unless accompanied by a close male relative; and

Whereas, Access to health care has been denied to the majority of Afghan women and girls. This is a result of prohibiting male doctors from examining women, prohibiting women doctors from practicing, and limiting the health facilities available to women; and

Whereas, Afghan women are required to be covered from head to toe in a shroud, with only a narrow mesh opening through which to see, when they leave their homes. Likewise, they are not allowed to wear shoes that make any noise when they walk; and

Whereas, Homes and other buildings in which Afghan women or girls might be present must have their windows painted so no female can be seen from outside; and

Whereas, Afghan women have been whipped, beaten, shot at, and, a times, killed for not adhering to these restrictions; and

Whereas, The Secretary of State of the United States, the United Nations, and the Physicians for Human Rights have reported that the Taliban's targeting of women and girls for discrimination and abuse has created a health and humanitarian disaster; and

Whereas, The International Red Cross and the United Nations estimate that more than 500,000 people in the City of Kabul, approximately two-thirds of the residents of that city, depend on international aid to survive; and

Whereas, Afghanistan recognizes international human rights conventions such as the Covenant on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the International Covenant on Economic, Social, and Cultural Rights, all of which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender; and

Whereas, Denying women and girls the right to education, employment, access to adequate health care, and direct access to humanitarian aid runs counter to international human rights conventions; and

Whereas, Peace and security in Afghanistan can only be realized with the full restoration for all human rights and fundamental freedom, the voluntary repatriation

of refugees to their homeland in safety and dignity, and the reconstruction of Afghanistan; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the President of the United States and Congress to take the necessary action to ensure the rights of women and girls in Afghanistan are not systematically violated, and urges a peaceful resolution to the situation in Afghanistan that restores the human rights of Afghan women and girls; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of State of the United States, to the President of the United States, and to the Secretary General of the United Nations.

POM–314. A joint resolution adopted by the Legislature of the State of California relative to the main San Gabriel groundwater basin; to the Committee on Appropriations.

SENATE JOINT RESOLUTION NO. 8

Whereas, The Main San Gabriel Groundwater Basin is the principal source of drinking water for approximately 1.4 million people who live in southern California; and

Whereas, The economy of the San Gabriel Valley is dependent upon the availability of a safe, reliable source of water for the residents and businesses in the region; and

Whereas, The groundwater supply in the Main San Gabriel Groundwater Basin is contaminated by both volatile organic compounds and inorganic chemicals, including perchlorate, that can be dangerous to human health, and

Whereas, The presence of perchlorate contamination is directly associated with the production of solid rocket fuels and explosives related to the defense and national security of the United States of America; and

Whereas, The contaminated groundwater in the Main San Gabriel Groundwater Basin is now spreading toward Los Angeles County's Central Groundwater Basin; and

Whereas, The spreading of contaminated groundwater into the massive Central Groundwater Basin will adversely affect the drinking water of over half of Los Angeles County; and

Whereas, The health and economy of the entire southern California region may be devastated by the continued presence and possible spreading of contaminated groundwater; and

Whereas, Perchlorate contamination of drinking water is a serious health-related problem in other areas of the United States outside southern California; and

Whereas, The application of treatment technology in the Main San Gabriel Groundwater Basin may be used as a model for areas in the United States with similar contamination problems; and

Whereas, All stakeholders affected by the contaminated groundwater have joined together to support a comprehensive plan to treat the contaminated groundwater and reclaim the Main San Gabriel Groundwater Basin for the storage of a safe, reliable drinking water source; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President, to the Speaker of the House of Representatives, the majority leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

POM–315. A joint resolution adopted by the Legislature of the State of California relative to an Orange County commissary; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 9

Whereas, The federal military base realignment and closure (BRAC) process will lead to the closing of the United States Marine Corps Air Station (MCAS) at El Toro, California, in June 1999, and the impending closure of its commissary in September 2000; and

Whereas, Over 1,000 active duty military personnel from all services will remain in the vicinity of MCAS at El Toro after the base closes; and

Whereas, Over 120,000 military retirees reside in the Orange County vicinity of MCAS at El Toro and are active customers of the commissary located there; and

Whereas, The active duty military personnel, members of the National Guard and reserves, and military retirees presently entitled to commissary privileges at MCAS at El Toro will suffer from a decreased quality of life and increased financial burdens if the commissary is closed; and

Whereas, The closure of the commissary will eliminate over 100 jobs; and

Whereas, The closest alternative commissaries are: March Air Force Base, Riverside, approximately 90 miles round-trip from El Toro; Camp Pendleton, United States Marine Corps, Oceanside, approximately 110 miles round-trip from El Toro; and Los Angeles Air Force Base, El Segundo, approximately 80 miles round-trip from El Toro; and

Whereas, These alternative locations pose a substantial hardship by requiring travel from one to two hours to use these facilities; and

Whereas, Four other bases in the State of California, March Air Force Base, Fort Ord, the Presidio of San Francisco, and McClellan Air Force Base, have been closed, but their exchange and commissary facilities have remained open; and

Whereas, United States Senators, Barbara Boxer and Dianne Feinstein; United States Representatives, Christopher Cox, Gary Miller, Ed Royce, and Loretta Sanchez; State Senators, Joe Dunn, Ross Johnson, John Lewis, and Bill Morrow; Assembly Members, Dick Ackerman, Pat Bates, Scott Baugh, Marilyn Brewer, Bill Campbell, Lou Correa, and Ken Maddox; and the Orange County Board of Supervisors, as the Local Redevelopment Authority (LRA), whose members are Cynthia Coad, James Silva, Charles Smith, Todd Spitzer, and Thomas Wilson, all support the continued operation of the commissary after base closure and have so petitioned the United States Secretary of Defense; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and Congress of the United States, the Secretary of Defense, the Chairpersons of the Joint Chiefs of Staff, the Chief of Naval Operations, and the Marine Commandant to take immediate action to authorize the continued operation of a commissary in Orange County after the closure of the United States Marine Corps Air Station at El Toro; and be it further,

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, each Senator and Representative from California in the Congress of the United States, the Secretary of Defense, the Chairperson of the Joint Chiefs of Staff, the Chief of Naval Operations, the Marine Commandant, and the Commissary Operating Board.

POM–316. A joint resolution adopted by the Legislature of the State of California relative to the Older Americans Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 10

Whereas, the federal Older Americans Act of 1965 (42 U.S.C. Sec. 3001 et seq.) expired in October 1995, although funding for its programs has been authorized since that date on an annual basis; and

Whereas, The congressional appropriations staff continue to stress the tight spending caps on discretionary programs imposed by the Balanced Budget Act of 1997 (Public Law 105–33); and

Whereas, A substantial number of seniors living in the State of California will be at risk if there are significant reductions in allocated funds for Older Americans Act programs; and

Whereas, Further delay in the reauthorization of the federal Older Americans Act of 1965 will erode the capacity of the act's various structures to deliver services to meet the needs of older Americans; and

Whereas, The federal Older Americans Act of 1965 should immediately be reauthorized to preserve the aging network's role in home- and community-based services, maintain the advocacy and consumer directed focus on the act, and give area agencies on aging increased flexibility in planning and delivering services to vulnerable older Americans; and

Whereas, the federal Older Americans Act of 1965 should be funded in the same manner in which the act has been funded for the past 33 years; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation that would reauthorize the federal Older Americans Act of 1965 without further delay; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–317. A joint resolution adopted by the Legislature of the State of California relative to housing; to the Committee on Banking, Housing, and Urban Affairs.

SENATE JOINT RESOLUTION NO. 12

Whereas, There are 240,000 people in California residing in federally assisted project-based Section 8 housing units. Forty-four percent of Section 8 residents are elderly, and the median income of Section 8 residents is $9,300. Without Section 8 and comparable assistance, many of these households will become homeless; and

Whereas, The Department of Housing and Urban Development (HUD) has typically provided all capital and operating subsidies for public housing. In 1974 Congress created the new housing production program known as the Section 8 New Construction and Substantial Rehabilitation Program, under which HUD typically provided a 20-year commitment for rental subsidies that assured owners a specified level of rental income; and

Whereas, Property owners may convert their properties to market-based housing

when their Section 8 contracts expire with HUD. Dramatic rent increases occurring in a number of housing markets in this state have already inspired many property owners to opt out of Section 8 subsidies, thus eliminating vast resources for low-income housing and potentially increasing levels of homelessness throughout the state. In California, owners of approximately 10,500 formerly affordable HUD units have converted to market rate use in the past two years; and

Whereas, Every county in California has buildings with project-based Section 8 units, and will be severely affected by the loss of affordable units. The largest concentrations are in Los Angeles County, the San Francisco Bay Area, San Diego, and Sacramento; and

Whereas, Recent federal housing policy and budget decisions have led to uncertainty over the current federally assisted housing inventory in California. Those decisions will place increasing demands on the financial and administrative resources of the state to maintain that housing inventory; and

Whereas, The federal fiscal year 1999 budget provides insufficient funding to preserve most of the below market housing stock; and

Whereas, The federal fiscal year 2000 budget will need $1.3 billion in additional budget authority to fund all contract extensions on current Section 8 projects. HUD's initiative to provide $100 million to increase contract rents at below market properties was rejected by the Office of Management and Budget; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States and the Department of Housing and Urban Development to establish policies and funding priorities that will ensure the preservation of the inventory of federally assisted housing in California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Department of Housing and Urban Development.

POM–318. A joint resolution adopted by the Legislature of the State of California relative to former military base property; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 13

Whereas, The President of the United States and the Secretary of Defense have announced that they will ask Congress for the authority to transfer former military base property to local communities at no cost if the local communities use the property for job-generating economic development; and

Whereas, These no-cost economic development conveyances would minimize time-consuming property appraisals and negotiations, thereby speeding property transfers and reuse of these properties, and reducing the Department of Defense's costs to maintain and operate excess property; and

Whereas, The Department of Defense is organizing a base-reuse ''Red Team'' to develop plans to implement the new economic development conveyances, with an emphasis on a rapid and smooth transition of property to productive reuse; and

Whereas, Proposed federal legislation would forgive lease payments for communities that have already entered into agreements with the Department of Defense, including communities in California; and

Whereas, This proposed legislation would benefit the State of California, which suffered disproportionately, compared to other states, by base closures in 1988, 1991, 1993, and 1995; and

Whereas, California shouldered 60 percent of the net cuts in military personnel as a result of those base closures, despite the fact that the state had just 15 percent of military personnel before the cuts began; and

Whereas, California suffered the closure or realignment of 29 bases, losing more than 186,000 jobs and almost $9.6 billion in economic activity; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully memorializes Congress and the President of the United States to enact legislation to transfer former military base property to local communities at no cost if the local communities use the property for job-generating economic development, and to forgive lease payments for communities that have already entered into agreements with the Department of Defense; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

POM–319. A joint resolution adopted by the Legislature of the State of California relative to Filipino veterans' benefits; to the Committee on Veterans' Affairs.

SENATE JOINT RESOLUTION NO. 6

Whereas, The Philippine Islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War and remained a possession of the United States until 1946; and

Whereas, In 1934, Congress passed Public Law 73–127, the Philippine Independence Act, that set a 10-year timetable for the eventual independence of the Philippines and in the interim established a Commonwealth of the Philippines with certain powers over its internal affairs; and

Whereas, The granting of full independence ultimately was delayed for two years until 1946 because of the Japanese occupation of the islands from 1942 to 1945; and

Whereas, During the interval between 1934 and the final independence in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States Armed Forces all military forces organized by the Commonwealth government; and

Whereas, President Roosevelt invoked this authority by Executive order of July 26, 1941, bringing the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East under the command of Lieutenant General Douglas MacArthur; and

Whereas, Two hundred thousand Filipino soldiers, driven by a sense of honor and dignity, battled under United States Command after 1941 to preserve our liberty; and

Whereas, Filipino gallantly served at Bataan and Corregidor, giving their toil, blood, and lives so as to provide the United States valuable time to rearm materiel and men to launch the counteroffensive in the Pacific war; and

Whereas, There are four groups of Filipino nationals who are entitled to all or some of the benefits to which United States veterans are entitled. These are:

(1) Filipinos who served in the regular components of the United States Armed Forces.

(2) Regular Philippine Scouts, called ''Old Scouts,'' who enlisted in Filipino-manned units of the United States Army prior to October 6, 1945.

(3) Special Philippine Scouts, called ''New Scouts,'' who enlisted in the United States Armed Forces between October 6, 1945, and June 30, 1947, primarily to perform occupation duty in the Pacific following World War II.

(4) Members of the Philippine Commonwealth Army who on July 26, 1941, were called into the service of the United States Armed Forces. This group includes organized guerrilla resistance units that were recognized by the United States Army; and

Whereas, The first two groups, Filipinos who served in the regular components of the United States Army and Old Scouts, are considered United States veterans and are generally entitled to the full range of United States veterans' benefits; and

Whereas, The other two groups, New Scouts and members of the Philippine Commonwealth Army, are eligible for certain benefits, and some of these benefits are paid at lower than full rates. United States veterans' medical benefits for the four groups of Filipino veterans vary depending upon whether the person resides in the United States or the Philippines; and

Whereas, The Old Scouts were created in 1901 pursuant to the act of February 2, 1901, that authorized the President of the United States ''to enlist natives [of the Philippines] . . . for service in the Army, to be organized as scouts . . . or as troops or companies, as authorized by this Act, for the regular Army''; and

Whereas, Prior to World War II, these troops assisted in the maintenance of domestic order in the Philippines and served as a combat-ready force to defend the Philippine Islands against foreign invasion; and

Whereas, During the war, they participated in the defense and retaking of the islands from Japanese occupation. The eligibility of Old Scouts for benefits based on military service in the United States Armed Forces, including veterans' benefits, has long been established; and

Whereas, The United States Department of Veterans Affairs operates a comprehensive program of veterans' benefits in the Republic of the Philippines, including the operation of a United States Department of Veterans Affairs office in Manila; and

Whereas, The United States Department of Veterans Affairs does not operate a program of this type in any other country; and

Whereas, The program in the Philippines evolved because the Philippines were a United States possession during the period 1898–1946, and many Filipinos have served in the United States Armed Forces, and because the preindependence Commonwealth Army of the Philippines was called into the service of the United States Armed Forces during World War II (1941–1945); and

Whereas, Our nation, however, has failed to meet the promise made to those Filipino soldiers who fought as American soldiers during World War II; and

Whereas, Many Filipino veterans have been discriminated against by the classification of their service as not being service rendered in the United States Armed Forces for purposes of benefits from the United States Department of Veterans Affairs; and

Whereas, All other nationals, even foreigners, who served in the United States Armed Forces have been recognized and granted full rights and benefits, but the Filipinos who actually were American nationals at that time were and are still denied recognition and singled out for exclusion, and this treatment is unfair and discriminatory; and

Whereas, On October 20, 1996, President Clinton issued a proclamation honoring the

nearly 100,000 Filipino veterans of World War II, soldiers of the Philippine Commonwealth Army, who fought as a component of the United States Armed Forces alongside Allied Forces for four long years to defend and reclaim the Philippine Islands, and thousands more who joined the United States Armed Forces after the war; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take action necessary to honor our country's moral obligation to provide Filipino veterans with the military benefits that they deserve, including, but not limited to, holding related hearings, and acting favorably on legislation pertaining to granting full veterans' benefits to Filipino veterans of the United States Armed Forces; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–320. A joint resolution adopted by the Legislature of the State of California relative to the safe return of prisoners of war captured by Yugoslav armed forces in Macedonia; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 11

Whereas, California stands behind our armed forces whenever soldiers are in harm's way in the name of freedom and liberty; and

Whereas, Many valiant Californians join the United States Armed Forces to uphold freedom and liberty throughout the world; and

Whereas, One such brave individual, Staff Sergeant Andrew A. Ramirez, exemplifies the best qualities of California's commitment to freedom and liberty; and

Whereas, Staff Sergeant Andrew A. Ramirez was taken prisoner by Yugoslav Armed Forces while he, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales were on a peace mission in Macedonia; and

Whereas, Staff Sergeant Andrew A. Ramirez originates from East Los Angeles in the 24th Senate District; and

Whereas, Staff Sergeant Andrew A. Ramirez joined the United States Army in July 1992 and is a cavalry scout in B Troop of the Fourth Cavalry of the First Infantry Division who was stationed in Schweinfurt, Germany, prior to deployment in Macedonia; and

Whereas, Communities in California and especially East Los Angeles anxiously await the safe release of Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales captured by the Yugoslav Armed Forces; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California commend Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales for courageously executing their duties as members of the United States Armed Forces; and be it further

Resolved, That the Legislature respectfully urges the President of the United States and the United States Congress to do all that is within their power to secure and expedite the safe return of Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales captured by the Yugoslav Armed Forces in Macedonia; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–321. A joint resolution adopted by the Legislature of the State of Colorado relative to the Federal Unified Gift and Estate Tax; to the Committee on Finance.

SENATE JOINT MEMORIAL 99–004

Whereas, The Federal Unified Gift and Estate Tax, or ''Death Tax'', generates a minimal amount of federal revenue, especially considering the high cost of collection and compliance and in fact has been shown to decrease federal revenues from what they might otherwise have been; and

Whereas, This federal Death Tax has been identified as destructive to job opportunity and expansion, especially to minority entrepreneurs and family farmers; and

Whereas, This federal Death Tax causes severe hardship to growing family businesses and family farming operations, often to the point of partial or complete forced liquidation; and

Whereas, Critical state and local leadership assets are unnecessarily destroyed and forever lost to the future detriment of their communities through relocation or liquidation; and

Whereas, Local and state schools, churches, and numerous charitable organizations would greatly benefit from the increased employment and continued family business leadership that would result from the repeal of the federal Death Tax; now, therefore,

Be It Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to immediately repeal the Federal Unified Gift and Estate Tax.

Be It Further Resolved, That copies of this Joint Memorial be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Colorado congressional delegation.

POM–322. A concurrent resolution adopted by the Legislature of the State of Texas relative to McGregor Range, Fort Bliss, TX; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 133

Whereas, Future military threats to the United States and its allies may come from technologically advanced rogue states that for the first time are armed with long-range missiles capable of delivering nuclear, chemical, or biological weapons to an increasingly wider range of countries; and

Whereas, The U.S. military strategy requires flexible and strong armed forces that are well-trained, well-equipped, and ready to defend our nation's interests against these devastating weapons of mass destruction; and

Whereas, Previous rounds of military base closures combined with the realignment of the Department of the Army force structure has established Fort Bliss as the Army's Air Defense Artillery Center of Excellence, thus making McGregor Range, which is a part of Fort Bliss, the nation's principal training facility for air defense systems; and

Wheares, McGregor Range is inextricably linked to the advanced missile defense testing network that includes Fort Bliss and the White Sands Missile Range, providing, verifying, and maintaining the highest level of missile defense testing for the Patriot, Avenger, Stinger, and other advanced missile defense systems; and

Whereas, The McGregor Range comprises more than half of the Fort Bliss installation land area, and the range and its restricted airspace in conjunction with the White Sands Missile Range, is crucial to the development and testing of the Army Tactical Missile System and the Theater High Altitude Area Defense System; and

Whereas, The high quality and unique training capabilities of the McGregor Range allow the verification of our military readiness in air-to-ground combat, including the Army's only opportunity to test the Patriot missile in live fire, tactical scenarios, as well as execute the ''Roving Sands'' joint training exercises held annually at Fort Bliss; and

Whereas, The Military Lands Withdrawal Act of 1986 requires that the withdrawal from public use of all military land governed by the Army, including McGregor Range, must be terminated on November 6, 2001, unless such withdrawal is renewed by an Act of Congress: now, therefore be it

Resolved, That the 76th Legislature of the State of Texas hereby support the U.S. Congress in ensuring that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from public use of the McGregor Range land beyond 2001, and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM–323. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Texas Gulf Coast; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION

Whereas, One of Texas' richest and most diverse areas is that of the Gulf Coast; the Coastal Bend abounds with treasures for all, and every year thousands of visitors flock to its beaches and wetlands to enjoy the sun, fish the waters, appreciate its unique scenery and wildlife, and bolster their spirits simply by being near such awe-inspiring beauty; and

Whereas, In addition to $7 billion per year generated by coastal tourism, the area is also home to half of the nation's petrochemical industry and over a quarter of its petroleum refining capacity; and

Whereas, Coastal tourism, the petrochemical and petroleum industries, a robust commercial and recreational fishing trade, and significant agricultural production make this region a vital economic and natural resource for both the state and the nation; and

Whereas, Like other coastal states located near offshore drilling activities, Texas provides workers, equipment, and ports of entry for oil and natural gas mined offshore; while these states derive numerous benefits from the offshore drilling industry, they also face great risks, such as coastline degradation and spill disasters, as well as the loss of nonrenewable natural resources; and

Whereas, Although state and local authorities have worked diligently to conserve and protect coastal resources, securing the funds needed to maintain air and water quality and to ensure the existence of healthy wetlands and beaches and protection of wildlife is a constant challenge; and

Whereas, The federal Land and Water Conservation fund was established by Congress in 1964 and has been one of the most successful and far-reaching pieces of conservation and recreation legislation, using as its funding source the revenues from oil and gas activity on the Outer Continental Shelf; and

Whereas, The game and nongame wildlife resources of this state are a vital natural resource and provide enjoyment and other benefits for current and future generations; and

Whereas, The federal government has received more than $120 billion in offshore drilling revenue during the past 43 years, only five percent of which has been allotted to the states; it is fair and just that Texas and other coastal states should receive a dedicated share of the revenue they help generate; and

Whereas, Several bills are currently before the United States Congress that would allocate a portion of federal offshore drilling royalties to coastal states and local communities for wildlife protection, conservation, and coastal impact projects; and

Whereas, States and local communities know best how to allocate resources to address their needs, and block grants will provide the best means for distributing funds; and

Whereas, These funds would help support the recipients' efforts to renew and maintain their beaches, wetlands, urban waterfronts, parks, public harbors and fishing piers, and other elements of coastal infrastructure that are vital to the quality of life and economic and environmental well-being of these states and local communities; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to pass legislation embodying these principles; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–324. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Kerrville Veterans Administration Medical Center; to the Committee on Veteran's Affairs.

HOUSE CONCURRENT RESOLUTION NO. 112

Whereas, the Kerrville Veterans Administration Medical Center, which consistently ranks high among Texas-based veterans' hospitals, is a ''veteran-friendly'' facility offering the very best of medical care and an outstanding corps of affiliated physicians, nurses, and support personnel; and

Whereas, it is a valuable regional resource and a comfort to the many thousands of military retirees who have settled in the Texas Hill Country both for the allure of those environs and the close proximity in their older age to the expertise of highly qualified health practitioners; and

Whereas, the Kerrville institution has a long and successful history; begun in 1919, it opened its doors two years later after fundraising by the American Legion and appropriations from the 37th Legislature; the federal government bought the facility from the state in 1926, eventually to incorporate it within the Veterans Affairs Medical Center System; and

Whereas, over the last 10 years, the U.S. Department of Veterans Affairs has spent almost $20 million upgrading the center, installing the most modern equipment and enhancing its ability to treat and attend our veterans in a manner reciprocating their service in behalf of this nation; and

Whereas, absent a policy reversal, the center will be phased out for extended hospital care by May 1999, and will keep intensive care patients for only 24 hours before transferring them to another Department of Veterans Affairs medical center in San Antonio or, if that is full, to private hospitals in the Bexar County area; and

Whereas, given the investment in and improvements to the center in the past decade, these diminutions of service seem both a waste of money and federal resources and a creation of geographic inconvenience for veterans in Kerr County and surrounding communities;

Whereas, the continued vitality of the Kerrville Veterans Administration Medical Center as a first-class hospital is an issue of importance not only to the people of Kerrville and the Hill Country region but also to Texas generally because of its strategic role in meeting the health needs of the citizens of this state; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully request the Congress of the United States to ensure the future of the Kerrville Veterans Administration Medical Center by providing that it be fully funded, staffed, and utilized, and by restoring and promoting the health rights and benefits of the Texas veterans who are its prospective patrons; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–325. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Social Security Trust Fund; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 249

Whereas, by 2032, the federal Social Security Trust Fund will likely be unable to meet its obligations, and comprehensive reform is necessary to ensure its viability both for present and future beneficiaries; and

Whereas, legislation on the subject is anticipated in the 106th Congress, and with the Federal Government searching for avenues to restore solvency to the failing fund, attention has turned to the option of mandated coverage for newly hired employees of previously noncovered state and local governments; and

Whereas, such governments were initially excluded from Social Security participation when the system was established in 1935, as it was considered unconstitutional for the Federal Government to tax counterpart governments at the state and local levels; and

Whereas, consequently, Texas state and local governments established independent retirement plans to meet the needs of their employees, and local government participation in Social Security remains optional, although state employees are now covered by both Social Security and state retirement plans; and

Whereas, mandating coverage on newly hired employees of previously noncovered governments, according to the Social Security Advisory Council, would extend the solvency of the Social Security Trust Fund by a mere two years; and

Whereas, such mandated coverage would result in a tax increase of 6.2 percent each for local government employees and local government employers, for a combined tax increase of 12.4 percent; and

Whereas, there currently are over 562,000 noncovered public employees in Texas, including public school teachers and administrators, public safety officers, and large numbers of city, county, and special district employees; and

Whereas, estimates prepared by the Texas Association of Public Employees Retirement Systems project a cost of at least $6.87 billion to Texas local government employers, particularly school districts, and newly hired workers over the first 10 years of implementation; and

Whereas, city and county governments, in order to pay the new federal tax, might have no choice but to reduce services such as law enforcement, fire protection, libraries, public health, programs for senior citizens and the disabled, parks and recreation, and refuse collection and recycling; and

Whereas, school districts would experience a new source of pressure toward increasing property taxes, and local government retirement plans generally might need to be reduced due to the cost imposed by mandatory Social Security coverage; and

Whereas, the proposed new tax is a shift of a federal burden to local communities to solve a federal problem that our state and local governments had no hand in creating, and under which there would be no benefit paid to Texas workers for more than a generation; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby memorialize the Congress of the United States and urge the President of the United States in the strongest possible terms to refrain from the inclusion of mandatory Social Security coverage for presently noncovered state and local government employees in any Social Security reform legislation; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–326. A concurrent resolution adopted by the Legislature of the State of Texas relative to veteran's benefits; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 141

Whereas, military veterans who have served their country honorably and who were promised and earned health care and compensation and pension benefits from the federal government through the Department of Veterans Affairs are now in need of these benefits due to advancing age; and

Whereas, the proposed budget for the Department of Veterans Affairs Veterans Health Administration has for the fourth consecutive year proposed a straight-line budget for veterans health care that falls short of the needed funds to counter soaring medical care inflation and other costs associated with the aging veterans population; and

Whereas, the proposed budget calls for the elimination of nearly 8,000 full-time employees from veterans health care, which further threatens veterans health care service by placing a greater strain on patient services and further endangers the quality of care for the sick and disabled veterans of this nation; and

Whereas, the processing of claims for service-connected compensation and pension benefits by the Department of Veterans Affairs Veterans Benefits Administration has also suffered from inadequate budgets resulting in backlogs in claims processing ranging in the hundreds of thousands; and

Whereas, the substantial backlog of service-connected compensation and pension

claims by the Veterans Benefits Administration has been a serious and persistent problem resulting in extended waits for veterans and their families to receive decisions concerning application for needed benefits; and

Whereas, it is necessary to enact legislation to provide funding necessary to properly deliver earned health care and compensation and pension benefits to the aging veterans population of our nation; now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to maintain its commitment to the veterans of America and their families by providing sufficient funding to the Department of Veterans Affairs to address the above concerns; and, be it further

Resolved, that the Texas secretary of state forward official copies of this resolution to the president of the United States, the president of the senate and speaker of the house of representatives of the United States Congress, and all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–327. A resolution adopted by the Town Board of the Town of North Hempstead, New York relative to the proposed ''Mandatory Gun Show Background Check Act''; to the Committee on the Judiciary.

POM–328. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the Community Reinvestment Act; to the Committee on Banking, Housing, and Urban Affairs.

POM–329. A resolution adopted by the International Association of Official Human Rights Agencies relative to the Federal Fair Housing Act; to the Committee on Appropriations.

POM–330. A resolution adopted by the National Conference of Insurance Legislators relative to multiple employer welfare arrangements and association health plans; to the Committee on Health, Education, Labor, and Pensions.

POM–331. A resolution adopted by the National Conference of Lieutenant Governors relative to the Visa Waiver Pilot Program; to the Committee on the Judiciary.

POM–332. A resolution adopted by the Pan Macedonian Association, Inc. relative to the ''Macedonia'' name issue; to the Committee on Foreign Relations.

POM–333. A resolution adopted by the Pan Macedonian Association, Inc. relative to developments in the Balkans; to the Committee on Foreign Relations.

POM–334. A petition from a citizen of the State of Minnesota relative to the human rights of Eritreans in Ethiopia; to the committee on Foreign Relations.

POM–335. A resolution adopted by the Council of the City of Naples, Florida relative to the Kosovo situation; to the Committee on Foreign Relations.

POM–336. A resolution adopted by the Pacific Fishery Management Council relative to the recovery of wild Snake River salmon and steelhead; to the Committee on Environment and Public works.

POM–337. A joint resolution adopted by the Legislature of the State of California relative to federal transportation funds; to the Committee on Environment and Public Works.

ASSEMBLY JOINT RESOLUTION NO. 6

Whereas, the allocation of federal transportation funds was reformed under the federal Transportation Equity Act for the 21st Century (P.L. 105–178), commonly known as TEA–21, in a manner that greatly increases the share of federal transportation dollars that states are eligible to receive; and

Whereas, the recent surge in the federal transportation fund, spurred by unexpected gas tax and car sales tax revenues, would mean that states would receive an additional eight hundred fifty-eight million dollars ($858,000,000) above and beyond the amount of funds that was expected under last year's agreement; and

Whereas, California's share of that transportation fund surplus would be one hundred twenty-one million dollars ($121,000,000) in additional funds under the TEA–21 formulas, which funds could be used for much needed transportation projects; and

Whereas, the United States Department of Transportation has proposed diverting the eight hundred fifty-eight million dollar surplus to federal programs; and

Whereas, State and local governments are best qualified to evaluate the specific transportation needs of their state local area; and

Whereas, the additional federal transportation funds could be used for projects such as road construction, reduction of traffic congestion, and air quality improvements; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature urges the Congress and the President of the United States to use the framework established under the Transportation Equity Act for the 21st Century when allocating federal transportation funds to California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–338. A joint resolution adopted by the Legislature of the State of California relative to women in sports; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 20

Whereas, when the California Interscholastic Federation (CIF) was formed in 1914, girls' physical education did not include interscholastic sports teams; and

Whereas, in 1964, the CIF Federated Council adopted a set of bylaws for girls' interscholastic sports that stated that schools and school districts may organize girls' sports teams; and

Whereas, by the 1967–68 school year, almost half of California's secondary schools conducted CIF girls' interscholastic athletic program of some degree; and

Whereas, in 1972, the United States Congress enacted Title IX of the Education Amendments of 1972; and

Whereas, title IX of the Education Amendments of 1972 (hereafter Title IX) states, in part, as follows: ''No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . . .''; and

Whereas, prior to the enactment of Title IX, many schools refused to admit girls and women to, or imposed strict limits on their participation in, a wide range of sports; and

Whereas, since the enactment of Title IX, the participation and interest of girls and women in sports has soared. Only 300,000 girls participated in California high school sports prior to Title IX; today the number is in excess of 2.37 million; and

Whereas, title IX governs overall equity of opportunity in athletics, including areas such as equipment and supplies, travel, support services, and scholarships; and

Whereas, scholarship opportunities are an important way that educational institutions meet the needs and interests of student athletics; and

Resolved, That the CIF and California high schools and colleges are to be commended for the progress made already, and to encourage further efforts by all to meet the challenge of equality in sports and the greatest fulfillment of the hopes and dreams of girls and women in our school; and be it further

Resolved, That programs and projects that emphasize girls' and women's confidence building through fitness and physical challenges in sports and outdoor adventure, such as the Women's Sports Foundation, Girl Teams Adventure Training, Okinawan Karate, and the 50's Plus Fitness Association, be commended for their positive impact in carrying forward the fitness message for girls and women; and be it further

Resolved, That parents, families, businesses, women athletes who serve as positive role models, and all others who have contributed to girls' and women's leadership and team player skills through sports and fitness activities are to be commended; and be it further

Resolved, That the Legislature of the State of California, on June 23, 1999, commemorates the 27th Anniversary of Title IX, commends the movement toward increased equality and fair treatment of female athletes, and praises the goals of greater opportunities in sports for girls and young women in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

POM–339. A joint resolution adopted by the Legislature of the State of California relative to poisonous and noxious weeds; to the Committee on Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 4

Whereas, poisonous and noxious weeds are spreading throughout the State of California due to the use of straw for soil-erosion control and road construction by California agencies, such as the Department of Transportation (CALTRANS), the Department of Fish and Game, and the Department of Forestry and Fire Protection, by federal agencies, such as the United States Forest Service and the United States Bureau of Land Management, and by other federal, state, and county agencies; and

Whereas, the grazing capacity of animals, wildlife habitat, and native plant species is being destroyed through the use of straw for these purposes; and

Whereas, it is in the best interest of the state for these agencies to use materials that are not detrimental to our wildlife, domestic animals, and plant species; and

Whereas, California-grown rice straw is produced in an aquatic environment and cannot coexist with the yellow star thistle and other terrestrial noxious weeds of concern; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, Jointly, That the Legislature of the State of California respectfully memorializes all government agencies, particularly the United States Forest Service, the United States Bureau of Land Management, CALTRANS, the Department of Fish and Game, and the Department of Forestry and Fire Protection, to abstain from using nonnative plant material and encourage the use of weed-free straw or California-grown rice straw in any of their programs within California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, each Senator and Representative from California in the Congress of the United States, the United States Forest Service, and the United States Bureau of Land Management, and to the Director of Transportation, the Director of Fish and Game, and the Director of Forestry and Fire Protection.

POM–340. A joint resolution adopted by the Legislature of the State of California relative to cold storms in California; to the Committee on Environment and Public Works.

Whereas, the cold storms and consequent frost damage that occurred in this state during December 1998 have affected virtually every geographic area of the state; and

Whereas, small businesses and farming entities have suffered actual physical damage and significant economic losses; and

Whereas, the residents of this state have suffered substantial losses as a result of the cold storms and frost damage and have financial and practical needs equal to or greater than other areas that have been declared as federal natural disaster areas; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the legislature of the State of California hereby respectfully memorializes the President of the United States to declare the affected portions of California as a federal natural disaster areas as a result of the cold storms and consequent frost damage that occurred in December 1998; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of August 5, 1999, the following reports of committees were submitted on August 27, 1999:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 457: A bill to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes (Rept. No. 106–143).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 28: A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes (Rept. No. 106–144).

S. 400: A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes (Rept. No. 106–145).

By Mr. BOND, from the Committee on Small Business, with amendments:

S. 1346: A bill to ensure the independence and nonpartisan operation of the office of Advocacy of the Small Business Administration (Rept. No. 106–146).

By Mr. BOND, from the Committee on Small Business:

Special Report entitled ''Summary of Legislative and Oversight Activities During the 105th Congress'' (Rept. No. 106–147).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment:

S. 299. A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes (Rept. No. 106–148).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 401. A bill to provide for business development and trade promotion for native Americans, and for other purposes (Rept. No. 106–149).

S. 613. A bill to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes (Rept. No. 106–150).

S. 614. A bill to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands (Rept. No. 106–151).

S. 406. A bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations (Rept. No. 106–152).

By Mr. BOND, from the Committee on Small Business, with amendments:

S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes (Rept. No. 106–153).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 1566. A bill to direct the Administrator of General Services to convey certain land to the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

S. 1567. A bill to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the ''C.B. King United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. REED, Mr. LEAHY, Mr. WELLSTONE, Mrs. BOXER, Mr. KOHL, Mr. KERRY, Mr. KENNEDY, and Mr. TORRICELLI):

S. 1568. A bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes; to the Committee on Foreign Relations.

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

S. 1569. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 1570. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to promote identification of children eligible for benefits under, and enrollment of children in, the medicaid and State Children's Health Insurance programs; to the Committee on Agriculture, Nutrition, and Forestry.

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

S.J. Res. 33. A joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BIDEN:

S. Res. 179. A resolution designating October 15, 1999, as ''National Mammography Day''; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. Con. Res. 55. A concurrent resolution establishing objectives for the next round of multilateral trade negotiations; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1566. A bill to direct the Administrator of General Services to convey certain land to the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

THE ST. SIMONS LIGHTHOUSE PRESERVATION ACT

Mr. COVERDELL. Mr. President, I rise today to introduce legislation that guarantees the future of a great historic treasure in my state. For nearly 200 years, the lighthouse at St. Simons Island, Georgia, stood as a sentinel at the head of St. Simons Sound and guided ships safely through dangerous waters and into the port of nearby Brunswick. Although it is no longer used for this purpose, the lighthouse remains an integral part of the St. Simons Island community and is part of the rich heritage of this region. Unfortunately, events could soon take place which could do irrevocable harm to this site.

In 1961, the United States Postal Service (USPS) leased part of the lighthouse property and built a small post office for the community, which is no longer used by the USPS. The lease was signed between the USPS and a private citizen, who owned the property at the time. This agreement, which expires in 2011, gives the USPS seven options to purchase the land outright at a significant discount, with the next purchase option being in 2001.

Since the lease was signed, many things have changed. In 1984, the title to the lighthouse property was transferred to the Coastal Georgia Historical Society, an organization dedicated

to preserving the lighthouse and Georgia's coastal heritage. While the CGHS holds the title, the lease with the USPS remains in effect.

It is very easy to see why many in the St. Simons community have grave concerns about the USPS exercising its right-to-buy option. The USPS has expressed its intent to exercise this option and immediately sell the land to a commercial developer for a huge profit. Many area residents do not appreciate the idea of placing a highrise hotel or a fast food restaurant next to the historic symbol of their community.

The bill I am introducing today seeks to rectify this situation by preserving the St. Simons Lighthouse without interfering with the profit maximization requirements placed on the USPS. The St. Simons Lighthouse Preservation Act states that the General Services Administration will locate a sufficient federal property of equal value to the leased property at St. Simons and deed it to the USPS. In exchange, the USPS will terminate its lease.

Passage of the St. Simons Lighthouse Preservation Act will ensure that future generations will be able to enjoy the Lighthouse and its environs. I encourage my colleagues to work with me to ensure quick passage of this important legislation.

By Mr. FEINGOLD (for himself, Mr. REED, Mr. LEAHY, Mr. WELLSTONE, Mrs. BOXER, Mr. KOHL, Mr. KERRY, Mr. KENNEDY, and Mr. TORRICELLI):

S. 1568. A bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes; to the Committee on Foreign Relations.

SUSPENSION OF ASSISTANCE TO THE GOVERNMENT OF INDONESIA

Mr. FEINGOLD. Mr. President, I rise today, along with a number of my colleagues, to introduce a bill in response to the ongoing violence in East Timor.

I am outraged at what is going on in East Timor today. The Indonesian government clearly has not lived up to its commitment to maintain security following the recent referendum. In fact it is openly supporting the militia violence against the majority of East Timorese, who have made clear their desire for an independent East Timor. If the Indonesian government cannot, or will not, maintain peace, I believe an international peacekeeping mission is the best option. The United States and the rest of the international community must exercise any and all leverage it has with the Indonesians to allow for this contingency. In addition, the United States provides a great deal of economic and military assistance to Indonesia. If the Indonesian government does not take steps to stop the violence occurring in East Timor, we should suspend these benefits.

For that reason, I am today introducing a bill which cuts off all military and most economic assistance to the government of Indonesia until the President determines and certifies to the Congress that a safe and secure environment exists in East Timor which will allow the East Timorese who have fled the militia-led violence to return to their homes, allow the United Nations Assistance Mission to East Timor, UNAMET, to resume its mandate, and allow the results of the August 30, 1999, referendum on East Timor's political status to be fully implemented.

At long last, on August 30, the people of East Timor went to the polls to express their will about the future of their homeland, choosing between a future as an autonomous part of Indonesia, or as an independent nation. The approximately 99 percent voter turnout in the face of intimidation from the pro-Jakarta militias is a credit to the dedication and courage of the East Timorese people to determine once and for all their own political status.

Ironically, the day of the ballot was relatively free of violence. But that was the calm before the storm. After the polls closed, the militias began a rampage throughout the territory that continues today. At least for UNAMET workers have been killed and at least six other are missing. Thousands of East Timorese have fled their homes, which are being looted and burned at will by the militias.

According to some estimates, in the past week alone, several hundred people have been killed, and more than 30,000 have been forced to flee their homes. Television news reports have shown desperate East Timorese citizens scaling the razor-sharp barbed wire fence surrounding the UNAMET mission in order to escape the automatic weapons of the advancing militias. There have been reports of beheadings. Nobel Laureate Bishop Carlos Belo and about six thousand East Timorese who sought refuge in his home in Dili were forced to flee when his home was burned to the ground. Bishop Belo, who has endured years of intimidation and countless threats on his life, has since fled to Australia. The United Nations is evacuating many of its workers and international observers.

The result of the ballot, which was announced on September 4, was overwhelming—78.5 percent of East Timorese voted for independence. This crushing defeat for the pro-Jakarta militias and their supporters sparked even more violence.

Unfortunately, this is just the latest in a wave of violence that has plagued East Timor for almost a quarter of a century. At this point, I would like to recount some of East Timor's history—the events that have brought the people of that territory to the horrific violence that is being unleashed upon them as I speak these words.

The East Timorese people have a long history of foreign domination. The Portuguese ruled there for four centuries. In 1975, less than a year after the Portuguese colonial rulers left East Timor, the Indonesian army occupied East Timor, and it remains there today. For 24 years, the people of East Timor have been subjugated by the Indonesian government and harassed by the Indonesian military.

The November 1991 massacre of nonviolent demonstrators in the East Timorese capital of Dili is but one example of Indonesia's repressive occupation of East Timor. Despite the harsh rule of the Suharto regime—or maybe in spite of it—the people of East Timor held on to their hope for self-determination. This dream is personified by people such as Nobel Peace Prize winners Jose Ramos Horta and Bishop Carlos Belo, who have worked tirelessly, and at great personal risk, for the liberation of the people of East Timor.

Following Suharto's resignation in 1998, it appeared that some positive changes were on the horizon for the people of East Timor. This comes after January 27, 1999, President B.J. Habibie announced that the government of Indonesia was finally willing to learn—and respect—the wishes of the people in that territory. On May 5, 1999, the governments of Indonesia and Portugal signed an agreement to hold a United Nations-supervised ''consultation'' on the future of East Timor.

Before the ink was even dry on this agreement, proJakarta militia groups—better described as lawless thugs—began a campaign of terror and intimidation against the East Timorese people aimed at quashing the independence movement. And these thugs operated freely while the Indonesian military looked the other way, and in some cases, helped them.

In the weeks leading up to the historic referendum, the militias targeted supporters of East Timorese independence, and members of the UNAMET who were in the territory preparing for the vote.

And now, the implementation of the results of this ballot, an effort which has already been paid for by the blood of more than 200,000 East Timorese who have been killed since 1975, is being delayed by more violence from criminals who cannot accept the defeat they received at the polls.

Despite his promise to respect the wishes of the East Timorese people, President Habibie has done little to stop the violence. Yesterday, he imposed martial law in East Timor, but this announcement has not ended the militia rampage, and the Indonesian military has done nothing to halt the violence. I am concerned that martial law will only embolden the militias.

The bill which I am introducing today calls on the Indonesian government to foster an environment in which the result of the August 30 referendum can be fully implemented. And if the Indonesian government does not take steps to that end, all U.S. military and most economic assistance to Indonesia will be cut off. Period.

For too long, the Congress has allowed military and economic assistance to be awarded to the government of Indonesia, with few conditions, despite its miserable human rights record and its deplorable treatment of the people of East Timor. It is high time that the Indonesian government learns that the U.S. will not tolerate the violent suppression of the legitimate democratic aspiration of the people of East Timor.

Earlier this week, President Habibie asked the Indonesian people to remain calm in the face of the referendum results. It is past time for him to direct the Indonesian army to stop the militias and to discipline those army personnel who are in collusion with the militias in their rampage through East Timor.

It is imperative that President Habibie and his government understand that the United States Congress will not sit idly by while bands of thugs continue to loot and burn East Timor, kill innocent civilians, and drive people from their homes.

President Habibie said earlier this year that he would respect the wishes of the people of East Timor. His government also promised the World Bank that it would live up to its commitments to the United Nations. It is time he shows that these statements were more than just political rhetoric. He must stop the violence, and he must allow international peacekeepers to enter East Timor without the threat of attack from militias or members of the Indonesian army.

I hope the Senate will act on this important legislation at the earliest possible date. We must not allow the Indonesian government to continue to receive U.S. military and economic assistance so long as it is condoning the terror in East Timor.

So, Mr. President, I send a bill to the desk. Because of the urgency of the situation in East Timor, I ask that it be considered as soon as possible.

Mr. President, I am delighted that the next speaker will be a person who has devoted an incredible energy to this issue; in fact, who recently had the willingness and courage to go to East Timor, Senator REED of Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of the legislation introduced by my colleague, Senator FEINGOLD of Wisconsin. I do so because of the gravity of the situation and also because of the fact that just 2 weeks ago I had the opportunity to travel, along with Senator HARKIN of Iowa and Congressman McGovern of Massachusetts, to East Timor.

We visited the town of Dili, the capital. Then we went into the countryside. We saw the bravery and courage of people who are willing, quite literally, to risk their lives to vote to determine their own future. We went to a town called Suai, which was a small village in the western part of East Timor. There we found 2,000 displaced persons huddled in the shadow of a half built Catholic church being protected from roving bands of militia, basically armed thugs, supported, encouraged, and, at times, directed by the Indonesian military authority. They were there not only for protection but also because they wanted to vote. They knew if they went back into the countryside, they might lose their chance to physically be present to vote.

As I stood before those thousands of poor people who have been denied water and food by the authorities, who literally were being starved away from their right to vote, I told them that the vote is more powerful than the army. They believed that. A few days later, with great courage, they went to the polls, and, in overwhelming numbers, they voted overwhelmingly for independence.

That vote now is being undermined systematically and deliberately by the military authority within Indonesia. Regretfully, we have just learned that the priest, Father Hilario, who was providing sanctuary in Swai, has been reported to have been killed by those violent militia bands.

This is an issue that should trouble every person of conscience throughout the world. It should particularly trouble the United States, because for many years we have maintained a relationship with the Government of Indonesia in an attempt to provide the kind of support that would allow them to evolve into a democratic country that would fulfill its promises.

The Government of Indonesia has pretensions of being a great power, but a great power keeps its word. The Government of Indonesia has not kept its word. It promised the United Nations that it would provide security and protection for the election. It promised it would respect the results of the election. It promised it would protect the lives and the property of the people of East Timor, and it has failed utterly and miserably in doing that.

The military of Indonesia has pretensions of being a professional military force, but a professional military force always follows legitimate orders of its civilian and military commanders. This army is failing miserably in doing that.

There is only one choice. They must either restore order, stability, and safety in East Timor, allow people to live freely and safely, respect the results of the election, or cooperate with the introduction of international peacekeepers.

At the heart of the bill Senator FEINGOLD, myself, and Senator LEAHY are introducing is a very clear message to the government and the military of Indonesia: Unless you restore order immediately or allow international peacekeepers to enter East Timor, we will cut off all multilateral assistance. We will cut off all bilateral assistance. We will cut off all military cooperation. Essentially, the future relationship of Indonesia with the world community depends fundamentally on whether or not they will respect their own agreement to provide safety and security for the people of East Timor and respect the results of this election.

I hope they do. If there is cooperation, if a United Nations peacekeeping force can enter that country, it is fortunate that our allies, the Australians and other countries, are ready, willing, and able at this moment to send personnel forward in this peacekeeping force. We should be able to assist this force with some of the unique capacities and capabilities we have: intelligence capabilities, satellite observation, air lifts, sea lift. I don't think it is necessary to commit our forces on the ground, but we should be part of this effort to secure the peace and stability and reaffirm the validity of this election.

While we were in East Timor, we had occasion to visit with Bishop Belo, the Nobel prize winner. We had supper with him, very humble fare from a very humble and saintly person. His house has already been destroyed by roving mobs. East Timorese who took sanctuary there have been scattered and slaughtered. Mercifully, Bishop Belo has been able to escape to Australia.

These scenes of carnage and mayhem and madness are convulsing East Timor. It is the responsibility of the Government of Indonesia to stop the violence or to allow international forces to enter at the soonest possible time to stop this violence. As I indicated initially, this referendum was not foisted upon the Government of Indonesia. It was agreed to by the Government of Indonesia. They made solemn pledges to the United Nations to respect the results of the vote, to conduct the vote fairly without intimidation. Now they must live up to their word or allow the United Nations and the world community to see that this vote is respected.

A final image I have of our time in East Timor is going to a polling place. This was days before the election. We were talking to these very brave international volunteers from many nations who have risked their lives, literally, to be in these small towns to take the registration. There was a young man who had come to make sure his name was on the rolls so he could vote. We spoke with him. We asked him if he was afraid.

He said: Yes, very much so, but I will vote. My friends will vote. We want to determine the future of our country. We want to determine the future of our families and our communities.

They did that. We have to respect that courage and that faith in democracy and the power of the vote. We have to, internationally and individually as a nation, prove that the vote is more powerful than the army.

I am pleased and proud to join my colleagues in this resolution. I urge its speedy consideration and passage.

I yield the floor.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator FEINGOLD on this legislation to prohibit assistance to the Government of Indonesia until that nation permits the peaceful implementation of the results of the August 30 referendum, in which the people of East Timor overwhelmingly voted in favor of independence from Indonesia. This bill sends a clear and strong message to the Government of Indonesia that the United States will hold it responsible for the fate of the East Timorese people.

Tragically, we are now faced with a crisis of alarming proportions as a result of the Indonesian government's failure to disarm the militias and to guarantee the security of the East Timorese people. The militias, together with Indonesian military and security personnel, are committing gross violations of human rights. Hundreds of East Timorese have been killed and tens of thousands have been forced to flee their homes, seeking refuge in West Timor. Hundreds have sought asylum in the UN compound in the East Timorese capital of Dili. Bishop Belo's home was burned and he was forced to seek asylum in Australia. UN personnel have been attacked and two were killed. Journalists have been threatened and forced to leave East Timor. The militias and the Indonesian military and security personnel perpetrating this violence must be stopped.

All of us are deeply concerned over the violence and the likelihood of further bloodshed in the coming days. The Indonesian Government must take responsibility for the actions of its military and security personnel. If the Government of Indonesia cannot or will not stop the violence, it must permit the international community to do so. I strongly support the call for an international peacekeeping force, authorized by the United Nations Security Council, to intervene to restore security in East Timor and to implement the results of the referendum.

By stopping all U.S. assistance to Indonesia, this legislation will encourage the Indonesian government to meet its international commitments and to ensure that its military and security forces abide by international law. The United States and the international community must use their economic leverage to encourage the Indonesian government to stop the violence in East Timor and permit a peaceful transition to independence. As long as this crisis continues, international financial institutions must not permit additional resources to flow to the Indonesian government—resources which could be used by military and security forces to continue the violence. In particular, the International Monetary Fund should not approve the disbursement of the remaining $2 billion of an already-approved $12 billion loan.

The Indonesian government must know that these sanctions will remain in effect until it ensures the safety of the East Timorese people, permits the United Nations Assistance Mission in East Timor to implement the transition to independence, and ensures that its armed forces abide by the principles of international law.

The people of East Timor need our help. Despite grave threats, they demonstrated great courage and great faith in the democratic process by going to the polls and voting overwhelmingly in favor of independence. The Government of Indonesia has an obligation to respect that verdict and see that it is implemented peacefully. The international community should do all it can to stop the violence and facilitate the peaceful transition to independence.

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

S. 1569. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

TAUNTON RIVER WILD AND SCENIC RIVER STUDY ACT OF 1999

● Mr. KERRY. Mr. President, I rise to introduce the Taunton River Wild and Scenic River Study Act of 1999. The bill directs the Secretary of the Interior to study the Taunton River in Massachusetts for potential addition to the National Wild and Scenic Rivers Systems. The Taunton River is ecologically and historically significant, and this legislation is supported by local officials and residents. Senator KENNEDY is joining this bill as an original cosponsor.●

By Mr. LUGAR:

S. 1570. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to promote identification of children eligible for benefits under, and enrollment of children in, the medicaid and State Children's Health Insurance programs; to the Committee on Agriculture, Nutrition, and Forestry.

S-CHIP IMPROVEMENT ACT OF 1999

Mr. LUGAR. Mr. President, I rise today to introduce the Access to Children's Health Insurance Program Act. Joining me in this effort is my colleague from Indiana in the other body, Representative JULIA CARSON.

Congress created the S-CHIP program in the Balanced Budget Act of 1997 as a new federal-state partnership to expand health insurance coverage for low-income children not eligible for Medicaid. Under S-CHIP states may cover children in families up to 200 percent of the federal poverty level or, in states with Medicaid income levels for children already at or above 200 percent of poverty, within 50 percent over the state's current Medicaid income eligibility limit. Congress provided over $4 billion annually to match state expenditures for this program.

Implementation of the S-CHIP program has been slow. States have faced both normal start-up problems as well as other obstacles to identifying and enrolling eligible children. There are an estimated 11 million children who are uninsured with 7.5 million who could be eligible for the S-CHIP program. Congress envisioned that 5 million children would receive services under S-CHIP. As of July 1999, according to the Kaiser Family Foundation, only 1.3 million children were enrolled on S-CHIP, less than half the projected enrollment in 1999.

The federal child nutrition programs of school lunch, child care feeding and WIC are important sources of information on potentially eligible children as well as a contact point with their parents. Typically these programs collect income information that can be used to identify eligible children, and even enroll children into federal health insurance programs. However there are limits on the disclosure of school lunch data. While state and local health programs and other means-tested nutrition programs may receive this data, Medicaid and S-CHIP may not.

Our bill will expand disclosure, subject to privacy provisions, to the state health agency running Medicaid and S-CHIP. As an added protection, both the State and local education authority must agree to this new disclosure.

The bill will also expand on a demonstration basis the use of WIC administrative funds. With the new authority, WIC clinics will be able to take a more active role in the identification and enrollment of children onto the S-CHIP and Medicaid programs. However, since funding for WIC is discretionary and funds for required program activities are tight, the number of sites will be limited. The General Accounting Office will be required to determine the added cost of the program.

Finally the bill will fund demonstration grants to states. The demonstration projects will integrate nutrition program grantees (schools, child care centers and WIC clinics) and other social service programs with the federal health care programs for low income children. States will form comprehensive informational and enrollment projects to be eligible for the funding.

Mr. President, this bill removes bureaucratic barriers so that more poor children may receive the health care they need. It does this by allowing one government entity to share information it possesses with another government entity responsible for health care. I urge my colleagues to support this bill.

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. 1570

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 ''SCHIP Improvement Act of 1999''.

SEC. 2. LIMITED WAIVER OF CONFIDENTIALITY REQUIREMENT.

Section 9(b)(2)(C)(iii) of the National School Lunch Act (42 U.S.C. 1758(b)(2)(C)(iii)) is amended—

(1) in subclause (II), by striking ''and'' at the end;

(2) in subclause (III), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(IV) a person directly connected with the administration of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or a State child health plan under title XXI of that Act (42 U.S.C. 1397aa et seq.) for the purpose of identifying children eligible for benefits under, and enrolling children in, any such plan, except that this subclause shall apply with respect to the agency from which the information would be obtained only if the State and the agency so elect.''.

SEC. 3. DEMONSTRATION PROJECT.

(a) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following:

''(q) DEMONSTRATION PROJECT RELATING TO USE OF WIC FUNDS FOR IDENTIFICATION AND ENROLLMENT OF CHILDREN IN CERTAIN HEALTH PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall establish a demonstration project in not more than 40 local agencies in not fewer than 2 States under which costs of nutrition services and administration (as defined in subsection (b)(4)) shall include the costs of identification of children eligible for benefits under, and enrollment of children in—

''(A) a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

''(B) a State child health plan under title XXI of that Act (42 U.S.C. 1397aa et seq.).

''(2) REPORT ON EVALUATION OF COSTS.—Not later than 18 months after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report evaluating the costs associated with implementation of the demonstration project, including an evaluation of the Federal and State costs per child enrolled in a State plan described in paragraph (1).

''(3) TERMINATION OF AUTHORITY.—The authority provided by this subsection terminates September 30, 2003.''.

(b) TECHNICAL AMENDMENTS.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786)—

(1) in subsection (b)(4), by striking ''(4)'' and all that follows through ''means'' and inserting ''(4) 'Costs of nutrition services and administration' or 'nutrition services and administration' means''; and

(2) in subsection (h)(1)(A), by striking ''costs incurred by State and local agencies for nutrition services and administration'' and inserting ''costs of nutrition services and administration incurred by State and local agencies''.

SEC. 3. GRANTS FOR IDENTIFICATION AND ENROLLMENT EFFORTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

''(p) GRANTS FOR IDENTIFICATION AND ENROLLMENT EFFORTS.—

''(1) IN GENERAL.—The Secretary shall make grants to States to carry out State plans to involve eligible entities described in paragraph (2) in the identification of children eligible for benefits under, and enrollment of children in—

''(A) a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

''(B) a State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

''(2) ELIGIBLE ENTITIES.—An eligible entity referred to in paragraph (1) is—

''(A) a school or school food authority participating in the school lunch program under this Act;

''(B) an institution participating in the child and adult care food program under section 17;

''(C) a local agency participating in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

''(D) any other nongovernmental social service provider.

''(3) USE OF FUNDS FOR WIC DEMONSTRATION PROJECT.—The authorized uses of grant funds under this subsection shall include carrying out the demonstration project under section 17(q) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(q)).

''(4) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection $6,000,000 for each of fiscal years 2000 through 2003. The Secretary shall be entitled to receive the funds and shall accept the funds, without further Act of appropriation.''.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. HAGEL), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 121, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, age, or disability, and for other purposes.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 249

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 249, a bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 345

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

S. 391

At the request of Mr. KERREY, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Colorado (Mr. CAMPBELL), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 391, A bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 406

At the request of Mr. MURKOWSKI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 406, a bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BURNS), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 486

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 486, supra.

S. 512

At the request of Mr. GORTON, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor

of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 541

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 552

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 552, a bill to provide for budgetary reform by requiring a balanced Federal budget and the repayment of the national debt.

S. 726

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 726, a bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

S. 783

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

S. 800

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 800, a bill to promote and enhance public safety through the use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 880

At the request of Mr. KERRY, his name was withdrawn as a cosponsor of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 954

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 954, a bill to amend title 18, United States Code, to protect citizens' rights under the Second Amendment to obtain firearms for legal use, and for other purposes.

S. 956

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 980

At the request of Mr. BAUCUS, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 980, a bill to promote access to health care services in rural areas.

S. 1003

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1003, a bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicle, and for other purposes.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1044

At the request of Mr. KENNEDY, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maine (Ms. SNOWE), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1053

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1070

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1075

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1075, a bill to promote research to identify and evaluate the health effects of silicone breast implants, and to insure that women and their doctors receive accurate information about such implants.

S. 1076

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 1076, a bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1220

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 1220, a bill to provide additional funding to combat methamphetamine production and abuse, and for other purposes.

S. 1235

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1235, a bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1244

At the request of Mr. THOMPSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1244, a bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 1255

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1255, a bill to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes.

S. 1262

At the request of Mr. REED, the name of the Senator from Connecticut (Mr.

DODD) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1263

At the request of Mr. JEFFORDS, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. SNOWE), the Senator from North Carolina (Mr. HELMS), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1268

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1268, a bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

S. 1269

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1310

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1317

At the request of Mr. AKAKA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1317, a bill to reauthorize the Welfare-To-Work program to provide additional resources and flexibility to improve the administration of the program.

S. 1332

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1332, a bill to authorize the President to award a gold medal on behalf of Congress to Father Theodore M. Hesburg, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

S. 1358

At the request of Mr. JEFFORDS, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1358, a bill to amend title XVIII of the Social Security Act to provide more equitable payments to home health agencies under the medicare program.

S. 1400

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1400, a bill to protect women's reproductive health and constitutional right to choice, and for other purposes.

S. 1420

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1420, a bill to establish a fund for the restoration and protection of ocean and coastal resources, to amend and reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

S. 1454

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 1454, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools and to provide tax incentives for corporations to participate in cooperative agreements with public schools in distressed areas.

S. 1459

At the request of Mr. MACK, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1468

At the request of Mr. LOTT, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1468, a bill to authorize the minting and issuance of Capitol Visitor Center Commemorative coins, and for other purposes.

S. 1473

At the request of Mr. ROBB, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1487

At the request of Mr. AKAKA, the names of the Senator from Maine (Ms. COLLINS) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1538

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1538, a bill to amend the Communications Act of 1934 to clarify State and local authority to regulate the placement, construction, and modification of broadcast transmission and telecommunications facilities, and for other purposes.

S. 1550

At the request of Mr. WELLSTONE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1550, a bill to extend certain Medicare community nursing organization demonstration projects.

SENATE JOINT RESOLUTION 26

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of Senate Joint Resolution 26, a joint resolution expressing the sense of Congress with respect to the courtmartial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis.*

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the names of the Senator from Ohio (Mr. DEWINE), the Senator from North Dakota (Mr. CONRAD), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. CONRAD), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

AMENDMENT NO. 1493

At the request of Mr. BENNETT the names of the Senator from Connecticut (Mr. DODD) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 1493 intended to be proposed to H.R. 2466, a

bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1577

At the request of Mr. BAYH his name was added as a cosponsor of amendment No. 1577 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

At the request of Mr. GRAHAM the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 1577 proposed to H.R. 2466, supra.

AMENDMENT NO. 1600

At the request of Mr. MURKOWSKI the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of Amendment No. 1600 intended to be proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

At the request of Mr. MURKOWSKI the name of the Senator from South Dakota (Mr. JOHNSON) was withdrawn as a cosponsor of amendment No. 1600 intended to be proposed to H.R. 2466, supra.

AMENDMENT NO. 1603

At the request of Mrs. HUTCHISON the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 1603 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

At the request of Mr. GRAMM his name was added as a cosponsor of amendment No. 1603 proposed to H.R. 2466, supra.

SENATE CONCURENT RESOLUTION 55—ESTABLISHING OBJECTIVES FOR THE NEXT ROUND OF MULTILATERAL TRADE NEGOTIATIONS

Mr. BAUCUS submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 55

Whereas obtaining open, equitable, and reciprocal market access will benefit both the United States and its trading partners;

Whereas eliminating or reducing trade barriers and trade distorting practices will enhance export opportunities for American industry, agricultural products, and services;

Whereas strengthening international disciplines on restrictive or trade-distorting import and export practices will improve the global commercial environment;

Whereas preserving existing rules that prohibit unfair trade practices is a necessary adjunct to promoting commerce;

Whereas expanding trade will foster economic growth required for full employment in the United States and the global economy;

Whereas growth in international trade has immediate and significant consequences for sound natural resource use and environmental protection, and for the practice of sustainable development;

Whereas the World Trade Organization is the single most important mechanism by which global commerce is regulated; and

Whereas the United States will host the World Trade Organization Ministerial Meeting in Seattle in November 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that the executive branch of the Government should pursue the objectives described in this concurrent resolution in any negotiations undertaken with respect to the next round of multilateral trade negotiations at the World Trade Organization Ministerial Meeting in Seattle, Washington.

SEC. 2. AGRICULTURE.

The negotiating objectives of the United States with respect to agriculture should be the following:

(1) To eliminate all current and prohibit all future price subsidies and export taxes.

(2) To negotiate stronger disciplines on state-owned trading enterprises, including cross-subsidization, reserved market share, and price undercutting.

(3) With respect to tariffs, to pursue zero-for-zero or harmonization agreements for products where current tariff levels are so disparate that proportional reductions would yield an unbalanced result.

(4) To target peak tariffs for reduction on a specific timetable.

(5) To eliminate all tariffs that are less than 5 percent.

(6) To negotiate an agreement that binds all tariffs at zero wherever possible.

(7) To phase out all tariff rate quotas.

(8) To eliminate all market-distorting domestic subsidies.

(9) To eliminate technology-based discrimination of agricultural commodities.

(10) To negotiate agriculture and nonagriculture issues as a single undertaking, with full implementation of any early agreement contingent on an acceptable final package.

(11) To reach agreements to eliminate unilateral agricultural sanctions as a tool of foreign policy.

SEC. 3. SERVICES.

The negotiating objectives of the United States with respect to services should be the following:

(1) To achieve binding commitments on market access and national treatment.

(2) To achieve broad participation from all World Trade Organization members in the negotiation of any agreement.

(3) To proceed on a ''negative list'' basis so that all services will be covered unless specifically listed.

(4) To prevent discrimination based on the mode of delivery, including electronic delivery.

(5) To negotiate disciplines on transparency and responsiveness of domestic regulations of services.

SEC. 4. INDUSTRIAL MARKET ACCESS.

The negotiating objectives of the United States with respect to industrial market access should be the following:

(1) To pursue zero-for-zero or harmonization agreements for products where current tariff levels are so disparate that proportional reductions would yield an unbalanced result.

(2) To target peak tariffs for reduction on a specific timetable.

(3) To eliminate all tariffs that are less than 5 percent.

(4) To negotiate agreements that bind tariffs at zero wherever possible.

(5) To achieve broad participation in all harmonization efforts.

(6) To expand the Information Technology Agreement product coverage and participation.

(7) To make duty-free treatment of electronic transmissions permanent.

(8) To negotiate short timetables for accelerated tariff elimination in sectors identified in prior international trade meetings, particularly in environmental goods.

SEC. 5. OTHER TRADE-RELATED ISSUES.

The negotiating objectives of the United States with respect to other trade-related issues should be the following:

(1) To achieve broad participation in Mutual Recognition Agreements (MRA's) on product standards, conformity assessment, and certification procedures.

(2) To expand the scope of the Government Procurement Agreement and make it part of the World Trade Organization undertaking.

(3) To strengthen protection of intellectual property, including patents, trademarks, trade secrets, and industrial layout.

(4) To complete the harmonization of rules of origin.

(5) To strengthen prohibitions against mandatory technology transfer under the Trade-Related Investment Measures Agreement.

(6) To broaden agreements on customs-related issues to facilitate the rapid movement of goods.

(7) To make permanent and binding the moratorium on tariffs on electronic transmissions.

(8) To establish a consensus that electronic commerce is neither exclusively a good nor exclusively a service, and develop rules for transparency, notification, and review of domestic regulations.

(9) To reach a global agreement on liberal treatment of digital products in a technologically neutral manner.

(10) To negotiate an agreement for determining when multilateral environmental agreements are consistent with the principles of the World Trade Organization.

(11) To undertake early review of potential environmental impacts of all global agreements with a view toward mitigating any adverse effects.

(12) To reach agreement that goods and services produced by forced, prison, or child labor are not protected by international trade rules.

(13) To establish a mechanism for joint research and between the World Trade Organization and the International Labor Organization (ILO).

(14) To institute explicit procedures for inclusion of core labor standards in the country reports of the World Trade Organization Trade Policy Review Mechanism.

SEC. 6. WORLD TRADE ORGANIZATION INSTITUTIONAL ISSUES.

The negotiating objectives of the United States with respect to World Trade Organization institutional issues should be the following:

(1) To reach agreement not to implement any new trade restrictive measures during the 3-year negotiating period beginning with the Seattle Ministerial Meeting.

(2) To broaden membership in the World Trade Organization by accelerating accessions.

(3) To shorten the timeframes of dispute resolution.

(4) To increase transparency, citizen access, and responsiveness to submissions from nongovernmental organizations.

(5) To strengthen disciplines governing the coverage and implementation of free trade agreements.

(6) To reach an agreement to cooperate with the International Monetary Fund, the International Bank for Reconstruction and

Development, United Nations organizations, and international economic institutions in trade-related policy matters.

SEC. 7. ISSUES NOT OPEN TO NEGOTIATION.

In all negotiations, the United States Trade Representative should ensure that the negotiations do not weaken existing agreements or create opportunities for the imposition of new barriers in the following areas:

(1) Dumping and antidumping.
(2) Competition policy.
(3) Investment.
(4) Textiles and apparel.

SEC. 8. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. BAUCUS. Mr. President, I send a concurrent resolution establishing U.S. goals for the next round of global negotiations in the World Trade Organization to the desk.

In 1994, seven hard years of talks culminated the Uruguay Round Agreement creating the WTO. The United States can point with pride to the results of American leadership on trade. Among the agreement's notable results were beginning new countries into the rule-based trade regime; establishing an institution for ongoing trade talks and dispute resolution; and addressing some key issues for the first time.

The 1994 WTO agreement left unfinished business in two of these key issues: agriculture and services. WTO members committed to return to the table in January 2000 to address barriers in these sectors, the so-called ''built-in agenda.'' It will be a major challenge. Trade-distorting domestic agricultural programs are politically sensitive, especially in the European Union, the world's biggest offender in this area. In services, efforts to open up trade run into difficult questions of domestic regulation and investment.

Over the past several months, Mr. President, WTO members have submitted proposals for dealing with agriculture, services, and many other issues in a new global round of negotiations, to be launched in Seattle this November when the United States hosts the third WTO Ministerial Meeting. I have read some of these proposals, including the proposals submitted by the Administration, and I have compared them two what I hear from various groups around the country.

I have concluded that the U.S. proposals are timid and lack specificity. I am very concerned about this. We can't build a strong global economy without a strong set of trade rules. We can't address emerging issues such as biotechnology and electronic commerce, areas where the United States has a commanding lead, unless we supply a concrete vision of the future. We won't reach our goals unless we can state our goals clearly. We need a clear set of goals for this round of trade talks. The American people expect us to show leadership in this area. Our trading partners expect America to show leadership, too.

We in the Congress have a constitutional responsibility in this regard. The resolution I am submitting today fulfills our obligation by giving the Executive Branch specific goals for the upcoming round of negotiations.

Mr. President, I would like to summarize briefly the main points of this resolution. It deals not only with agriculture and services, but also with manufactured products, institutional concerns, and a variety of other trade-related issues.

AGRICULTURE

America's farmers compete very effectively when world markets are not distorted by government intervention. Eliminating these distortions is not only good for the farm community, it will benefit U.S. consumers and our trading partners. It will stimulate demand for agricultural output, demand which American farmers are prepared to satisfy. My resolution instructs the Administration to seek elimination of export subsidies and trade-distorting domestic subsidies, to seek substantial tariff reductions, and for the first time to impose discipline on State Trading Enterprises.

SERVICES

Services comprise almost three quarters of American output. We are a net exporter of services, so increased trade in services will have a positive effect on our current account balance. My resolution instructs the Administration to reach a global agreement that trade in services is *free and open* unless otherwise specified. The current system is that trade in services is *closed* unless otherwise specified. Starting from this principal of openness, the Administration should seek board participation in an agreement on services trade.,

INDUSTRIAL GOODS

To establish a negotiating dynamic broad enough to allow for trade-offs, it is vital that the WTO talks include manufactured products. In this regard, there has been some confusion as to the U.S. strategy. The work begun in APEC to cut tarffs in nine sectors has moved into the WTO. The agriculture community feared that an early agreement to cut tariffs on manufactured products would rob the overall negotiation of the required breadth of issues. My resolution makes clear that this negotiation should be viewed as a single undertaking to be completed in three years. This does not mean that we can have no results on tariffs at the Senate WTO Ministerial. But completing accelerated tariff elimination should be contingent on successfully concluding the entire package, including agriculture and services.

INSTITUTIONAL ISSUES

We now have almost five years of experience with the operation of the Uruguay Round agreement and the WTO. That experience has uncovered some areas for improvement. Chief among these is the need for greater transparency in WTO operations. In the state of Montana, we have a strong tradition of open government which serves us well. The WTO is a governmental body. The citizens of the nations which compose the WTO have a right to know what it is doing. We also need to speed up the WTO system for resolving trade disputes.

ISSUES NOT FOR NEGOTIATING

There are several issues which the Administration should not include in the overall negotiation. In some cases, including them would most likely weaken the results we obtained in the Uruguay Round. In other case, I do not believe that a global negotiation would benefit the United States. Issues such as textiles and apparel, antidumping rules, competition policy, and investment should not be part of the next round of negotiations.

OTHER TRADE ISSUES: ENVIRONMENT AND LABOR

Finally, Mr. President, my resolution lists a number of specific trade issues which the Administration should address in the next round of trade negotiations. These include questions such as government procurement and electronic commerce. Let me mention two particular matters which are especially important: the environment and labor.

My resolution instructs the Administration to make specific progress in both of these areas. On the environment, it requires an environmental assessment of any new global trade agreement, and a WTO consensus on determining when multilateral environmental agreements are consistent with international trade rules. It also requires tariff reductions on environmental products in order to increase the flow of environmental technology.

As to labor, my resolution requires the Administration to correct a deficiency which has existed in trade law since the United States signed the GATT in 1947: it does not allow countries to treat products made with forced labor or child labor differently. We should all have the right to prohibit such goods from entering our countries. It also calls for joint research between the WTO and the International Labor Organization, and for a regular examination of how WTO members are living up to their 1996 commitment on core labor standards. Rhetoric is not a substitute for action.

GOAL: IMPROVE QUALITY OF LIFE

Let me close, Mr. President, with a word about why this is important to all of us. Since the end of World War Two, we have come a long way in shaping the world economy. When the GATT was signed in 1947, the world was engaged in a bitter debate over fundamental values. The central question was whether national economies should be organized by market forces and open societies or by central government planners. Which is better: democracy or communism? The world now knows the answer to this question with absolutely no ambiguity. Today, anyone who thinks that central planning wins over market forces need only compare Seoul to Pyongyang.

In the past decade, the former Soviet bloc national have struggled to turn from central planning to market forces and citizen participation. Developing countries abandoned bankrupt nations like ''import substitution'' in favor of market-based solutions. OECD countries deregulated and dismantled trade barriers. New technology, especially information technology, provided the means to take advantage of newly opened markets. Goods and capital move with amazing speed.

Open markets make the global economy more efficient. But there's a distinction between efficiency and equity. Open markets do not make prosperity more fair. Many citizens believe it is not fair enough. They see widening income gaps, job insecurity, environmental damage, a less certain future.

The next round of global trade talks can't make opening markets an end in itself. We no longer have to convince the world that our economic system is more efficient. The task now is to show that our system also improves the quality of their lives. We need to show that our system delivers benefits to them. It has to make them better off. If we fail to do that, we will face a world polarized by poverty as it was once polarized by cold war ideology.

SENATE RESOLUTION 179—DESIGNATING OCTOBER 15, 1999, AS ''NATIONAL MAMMOGRAPHY DAY''

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 179

Whereas according to the American Cancer Society, in 1999, 175,000 women will be diagnosed with breast cancer and 43,300 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by more than 30 percent; and

Whereas the 5-year survival rate for localized breast cancer is currently 97 percent: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 15, 1999, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 15, 1999, as ''National Mammography Day''. I have submitted a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving it.

Each year, as I prepare to submit this resolution, I look at the latest information from the American Cancer Society about breast cancer. This year, the news is depressingly familiar: in 1999, an estimated 175,000 women will be diagnosed with breast cancer and an estimated 43,300 women will die of this disease.

In the midst of these gloomy numbers, however, one statistic stands out like a beacon of hope: the 5-year survival rate for women with localized breast cancer is a whopping 97%. Moreover, we already know one sure-fire method for detecting breast cancer when it is at this early, highly curable stage: periodic mammograms for all women over age 40. Periodic mammography can detect a breast cancer almost 2 years earlier than it would have been detected by breast self-examination. The importance of periodic mammography for women's health is recognized by health plans and health insurers, and virtually all of them cover its cost. Low-income women who do not have health insurance can get free mammograms through a breast cancer screening program sponsored by the Centers for Disease Control and Prevention.

Given all this, that modern mammography is highly effective in discovering breast cancer at a very early stage, rarely causes any discomfort, and generally cost nothing, why aren't all women over 40 getting this valuable test every year? One answer is that we are human, and we all forget things, especially as we get older. Even if we remember that we need a mammogram, we often have so many things going on in our lives that we just keep putting the mammogram off for that ''less busy'' day that never comes. Consequently, we need a ''National Mammography Day'' to remind us that we need to make sure all the women in our lives don't overlook this crucial preventive service.

How should we use ''National Mammography Day'' to achieve our goal of fighting breast cancer through early diagnosis? This year, National Mammography Day falls on Friday, October 15, right in the middle of National Breast Cancer Awareness month. On that day, let's make sure that each women we know picks a specific date on which to get a mammogram each year. I well understand how easy it is to forget do something that comes around only once per year, but for each of us there are certainly some dates that we don't forget: a child's birthday, an anniversary, perhaps even the day our taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

Mr. President, I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring this resolution to designate October 15, 1999, as National Mammography Day.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

LOTT AMENDMENT NO. 1621

Mr. BOND (for Mr. LOTT) proposed an amendment to the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 62, line 10, add the following before the period '': *Provided*, That within the funds available, $250,000 shall be used to assess the potential hydrologic and biological impact of lead and zinc mining in the Mark Twain National Forest of Southern Missouri: *Provided further*, That none of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of enactment of this Act); *Provided further*, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714)''

VETERANS COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1999

ROCKEFELLER (AND SPECTER) AMENDMENT NO. 1622

Mr. BROWNBACK (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill (S. 1076) to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; as follows:

On page 66, strike lines 9 through 19 and insert the following:

SEC. 101. CONTINUUM OF CARE FOR VETERANS.

(a) INCLUSION OF NONINSTITUTIONAL EXTENDED CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.—Section 1701 is amended—

(1) in paragraph (6)(A)(i), by inserting ''noninstitutional extended care services,'' after ''preventive health services,''; and

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

''(10) The term 'noninstitutional extended care services' includes—

''(A) home-based primary care;

''(B) adult day health care;

''(C) respite care;

''(D) palliative and end-of-life care; and

''(E) home health aide visits.

''(11) The term 'respite care' means hospital care, nursing home care, or residence-based care which—

''(A) is of limited duration;

''(B) is furnished in a Department facility or in the residence of an individual on an intermittent basis to an individual who is suffering from a chronic illness and who resides primarily at that residence; and

''(C) is furnished for the purpose of helping the individual to continue residing primarily at that residence.''.

(b) CONFORMING AMENDMENTS TO TITLE 38.—(1)(A) Section 1720 is amended by striking subsection (f).

(B) The section heading of such section is amended by striking ''**; adult day health care**''.

(2) Section 1720B is repealed.

(3) Chapter 17 is further amended by redesignating sections 1720C, 1720D, and 1720E as sections 1720B, 1720C, and 1720D, respectively.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 17 is amended—

(1) in the item relating to section 1720, by striking ''; adult day health care''; and

(2) by striking the items relating to sections 1720B, 1720C, 1720D, and 1720E and inserting the following:

''1720B. Noninstitutional alternatives to nursing home care.

''1720C. Counseling and treatment for sexual trauma.

''1720D. Nasopharyngeal radium irradiation.''.

(d) ADDITIONAL CONFORMING AMENDMENT.—Section 101(g)(2) of the Veterans Health Programs Extension Act of 1994 (Public Law 103–452; 108 Stat. 4785; 38 U.S.C. 1720D note) is amended by striking ''section 1720D'' both places it appears and inserting ''section 1720C''.

SEC. 102. PILOT PROGRAMS RELATING TO LONG-TERM CARE OF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out three pilot programs for the purpose of determining the feasibility and practicability of a variety of methods of meeting the long-term care needs of eligible veterans. The pilot programs shall be carried out in accordance with the provisions of this section.

(b) LOCATIONS OF PILOT PROGRAMS.—(1) Each pilot program under this section shall be carried out in two designated health care regions of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(2) In selecting designated health care regions of the Department for purposes of a particular pilot program, the Secretary shall, to the maximum extent practicable, select designated health care regions containing a medical center or medical centers whose current circumstances and activities most closely mirror the circumstances and activities proposed to be achieved under such pilot program.

(3) The Secretary may not carry out more than one pilot program in any given designated health care region of the Department.

(c) SCOPE OF SERVICES UNDER PILOT PROGRAMS.—(1) The services provided under the pilot programs under this section shall include a comprehensive array of health care services and other services that meet the long-term care needs of veterans, including—

(A) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(B) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care.

(2) As part of the provision of services under the pilot programs, the Secretary shall also provide appropriate case management services.

(3) In providing services under the pilot programs, the Secretary shall emphasize the provision of preventive care services, including screening and education.

(4) The Secretary may provide health care services or other services under the pilot programs only if the Secretary is otherwise authorized to provide such services by law.

(d) DIRECT PROVISION OF SERVICES.—Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans directly through facilities and personnel of the Department of Veterans Affairs.

(e) PROVISION OF SERVICES THROUGH COOPERATIVE ARRANGEMENTS.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through a combination (as determined by the Secretary) of—

(A) services provided under cooperative arrangements with appropriate public and private non-Governmental entities, including community service organizations; and

(B) services provided through facilities and personnel of the Department.

(2) The consideration provided by the Secretary for services provided by entities under cooperative arrangements under paragraph (1)(A) shall be limited to the provision by the Secretary of appropriate in-kind services to such entities.

(f) PROVISION OF SERVICES BY NON-DEPARTMENT ENTITIES.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through arrangements with appropriate non-Department entities under which arrangements the Secretary acts solely as the case manager for the provision of such services.

(2) Payment for services provided to veterans under the pilot programs under this subsection shall be made by the Department to the extent that payment for such services is not otherwise provided by another government or non-government entity.

(g) DATA COLLECTION.—As part of the pilot programs under this section, the Secretary shall collect data regarding—

(1) the cost-effectiveness of such programs and of other activities of the Department for purposes of meeting the long-term care needs of eligible veterans, including any cost advantages under such programs and activities when compared with the Medicare program, Medicaid program, or other Federal program serving similar populations;

(2) the quality of the services provided under such programs and activities;

(3) the satisfaction of participating veterans, non-Department, and non-Government entities with such programs and activities; and

(4) the effect of such programs and activities on the ability of veterans to carry out basic activities of daily living over the course of such veterans' participation in such programs and activities.

(h) REPORT.—(1) Not later than six months after the completion of the pilot programs under subsection (i), the Secretary shall submit to Congress a report on the health services and other services furnished by the Department to meet the long-term care needs of eligible veterans.

(2) The report under paragraph (1) shall—

(A) describe the comprehensive array of health services and other services furnished by the Department under law to meet the long-term care needs of eligible veterans, including—

(i) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(ii) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care;

(B) describe the case management services furnished as part of the services described in subparagraph (A) and assess the role of such case management services in ensuring that eligible veterans receive services to meet their long-term care needs; and

(C) in describing services under subparagraphs (A) and (B), emphasize the role of preventive services in the furnishing of such services.

(i) DURATION OF PROGRAMS.—(1) The Secretary shall commence carrying out the pilot programs required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot programs shall cease on the date that is three years after the date of the commencement of the pilot programs under paragraph (1).

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE VETERAN.—The term ''eligible veteran'' means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) LONG-TERM CARE NEEDS.—The term ''long-term care needs'' means the need by an individual for any of the following services:

(A) Hospital care.

(B) Medical services.

(C) Nursing home care.

(D) Case management and other social services.

(E) Home and community based services.

SEC. 103. PILOT PROGRAM RELATING TO ASSISTED LIVING SERVICES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the purpose of determining the feasibility and practicability of providing assisted living services to eligible veterans. The pilot program shall be carried out in accordance with this section.

(b) LOCATION.—The pilot program under this section shall be carried out at a designated health care region of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(c) SCOPE OF SERVICES.—(1) Subject to paragraph (2), the Secretary shall provide assisted living services under the pilot program to eligible veterans.

(2) Assisted living services may not be provided under the pilot program to a veteran eligible for care under section 1710(a)(3) of title 38, United States Code, unless such veteran agrees to pay the United States an amount equal to the amount determined in accordance with the provisions of section 1710(f) of such title.

(3) Assisted living services may also be provided under the pilot program to the spouse of an eligible veteran if—

(A) such services are provided coincidentally with the provision of identical services to the veteran under the pilot program; and

(B) such spouse agrees to pay the United States an amount equal to the cost, as determined by the Secretary, of the provision of such services.

(d) REPORTS.—(1) The Secretary shall annually submit to Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program under this section. The report shall include a detailed description of the activities under the pilot program during the one-year period ending on the date of the report and such other matters as the Secretary considers appropriate.

(2)(A) In addition to the reports required by paragraph (1), not later than 90 days before concluding the pilot program under this section, the Secretary shall submit to the committees referred to in that paragraph a final report on the pilot program.

(B) The report on the pilot program under this paragraph shall include the following:

(i) An assessment of the feasibility and practicability of providing assisted living services for veterans and their spouses.

(ii) A financial assessment of the pilot program, including a management analysis, cost-benefit analysis, Department cash-flow analysis, and strategic outlook assessment.

(iii) Recommendations, if any, regarding an extension of the pilot program, including recommendations regarding the desirability of authorizing or requiring the Secretary to seek reimbursement for the costs of the Secretary in providing assisted living services in order to reduce demand for higher-cost nursing home care under the pilot program.

(iv) Any other information or recommendations that the Secretary considers appropriate regarding the pilot program.

(e) DURATION.—(1) The Secretary shall commence carrying out the pilot program required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot program shall cease on the date that is three years after the date of the commencement of the pilot program under paragraph (1).

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE VETERAN.—The term ''eligible veteran'' means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) ASSISTED LIVING SERVICES.—The term ''assisted living services'' means services which provide personal care, activities, health-related care, supervision, and other assistance on a 24-hour basis within a residential or similar setting which—

(A) maximizes flexibility in the provision of such care, activities, supervision, and assistance;

(B) maximizes the autonomy, privacy, and independence of an individual; and

(C) encourages family and community involvement with the individual.

On page 85, between lines 4 and 5, insert the following:

(4) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $12,400,000.

On page 85, line 9, strike ''$213,100,000'' and insert ''$225,500,000''.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''Slotting: Fair to Small Business & Consumers?'' The hearing will be held on Tuesday, September 14, 1999, beginning at 9:30 a.m. in room 608 Dirksen Senate Office Building.

For further information, please contact either Paul Cooksey or Paul Conlon at 224–5175.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce that a subcommittee hearing has been scheduled before the Subcommittee on Energy Research, Development, Production and Regulation.

The hearing will take place Tuesday, September 14, 1999, at approximately 10:30 a.m. (or immediately following the 9:30 Full Committee hearing) in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1051, a bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 15, 1999, at 10:00 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Sylvia Baca to be Assistant Secretary of the Interior for Land and Minerals Management, David Hayes to be Deputy Secretary of the Interior, and Ivan Itkin to be Director of the Department of Energy's Office of Civilian Radioactive Waste Management.

For further information, please contact David Dye of the Committee staff at (202) 224–0624.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled ''Day Trading: An Overview.'' This Subcommittee hearing will focus on the practices and operations of the securities day trading industry.

The hearing will take place on Thursday, September 16, 1999, at 9:30 a.m., in Room 628 of the Dirksen Senate Office Building. For further information, please contact Lee Blalack of the Subcommittee staff at 224–3721.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, September 16, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the Administration's Northwest Forest Plan.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, September 30, 1999 at 2:30 p.m. in room SD–366 of the Dirsken Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1457, Forest Resources for the Environment and the Economy Act.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate Foreign Relations Committee be authorized to meet during the session of the Senate on September 8, 1999 at 2:00 p.m. to hold a closed full committee briefing.

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

ADDITIONAL STATEMENTS

JOHN W. SMART, NATIONAL COMMANDER IN CHIEF OF VFW

● Mr. GREGG. Mr. President, I ask my fellow senators to join me in offering congratulations to John W. Smart of Nashua, New Hampshire, who is to be installed this month as National Commander-in-Chief of the Veterans of Foreign Wars of the United States in this the 100th Anniversary of the organization's founding.

John Smart's election to this position is only the latest in a long and distinguished career in service to our country and to his fellow veterans. Mr. Smart served in the United States Army from October 1970 to April 1973, in Vietnam, where he was assigned to the 176th Assault Helicopter Company (American Division) at Chu Lai. His meritorious service was recognized with the Republic of Vietnam Campaign Medal, a Vietnam Service Medal with four stars and a Presidential Unit Citation.

While serving in Vietnam, he joined VFW Post #2181 in Exeter, New Hampshire. Following his return from military service in 1973, he moved quickly through the VFW Department of New Hampshire chairs and earned recognition as an All-American Department Commander during the 1981–82 year. In 1983 he served as Chairman of the National Youth Activities Committee and from 1991–1993 as Chairman of the National Buddy Poppy Committee. In 1995 he was appointed to the position of National Chief of Staff.

Mr. Smart served his community of Nashua as a firefighter, retiring after 21 years. He has served as VFW New Hampshire Department Adjutant/Quartermaster since 1985. He is a Life Member of VFW Post #483 in Nashua and in addition to his service to the VFW he holds membership in the Military Order of the Cooties, American Legion, Elks, Retired Firefighters Association and the US Army Association. He has served as Chairman of the Board of Managers of the New Hampshire Veterans Home since 1987 and has served as a New Hampshire State Representative.

John Smart is the first member of the Department of New Hampshire Veterans of Foreign Wars to be elected to the office of National Commander-in-Chief. I can think of no New Hampshire citizen more dedicated to his country and to the cause of assisting his fellow veterans. His wife, Mary, his two children, John R. and Cheryl, and his five grandchildren have reason for great pride in this husband, father and grandfather who has so ably contributed his time and efforts toward the service of others. I have been honored to work with John Smart over my years here in the Senate, while serving as Governor in New Hampshire and earlier in the House of Representatives. I commend him to the Senate and know you will join me in extending to him and his family our congratulations, our thanks for his past accomplishments and continuing service and our best wishes during his year of service as the Veterans of Foreign Wars of the United States Commander-in-Chief.●

TRIBUTE TO BILL MULLEN, 1999 GRAND MARSHAL OF THE LABOR DAY MARCH

●Mr. TORRICELLI. Mr. President, I rise today in recognition of Mr. Bill Mullen, who has been chosen as the 1999 Grand Marshal of the Essex-West Hudson Labor Council AFL–CIO Labor Day March and Observance. The Labor Council is proud to honor Bill for his lifetime dedication to working families in the New Jersey Labor Movement, and especially Ironworkers Local 11. It is a pleasure for me to be able to honor his accomplishments.

Bill Mullen served in the United States Army during 1967 and 1968, and was stationed in Korea. He was later discharged with the rank of Sergeant. Returning to New Jersey, Bill completed his apprenticeship, and worked as an Ironworker, Shop Steward, Journeyman, Foreman, and Superintendent for various construction companies throughout the state.

For over thirty years Bill has been an active member in the labor movement. In 1981, Bill was elected by his fellow colleagues to be the Vice President of Ironworkers Local 11, and later became President in 1989. He has also served as Trustee of the Ironworkers of Northern New Jersey District Council Pension Fund and an active member of the New Jersey Alliance for Action. Currently, he serves as President of the Essex County Building and Construction Trades Council, an organization with 17 affiliates that represents over 12,000 craftmembers throughout Essex County, New Jersey. Bill is a committed worker, colleague, and leader who exemplifies the best of New Jersey Labor Leaders.

It gives me great pleasure to recognize a leader of great stature in New Jersey's labor community. Through these years, fighting for the cause of working men and women, Bill has been known to stand on principle, loyalty, and hard work. It is with pride that I honor Bill on his selection as Grand Marshal.●

TRIBUTE TO YORK COUNTY, PENNSYLVANIA

● Mr. SANTORUM. Mr. President, this year marks the 250th anniversary of York County, Pennsylvania. Today, I rise to recognize the establishment and storied history of this county which contributed greatly to the founding of our Nation.

Established in 1749, York had formerly been a part of neighboring Lancaster County. The citizens of York had petitioned for their own county so that they could establish a courthouse in closer proximity to their jail. With the granting of the petition, York became the first county in Pennsylvania west of the Susquehanna River and the fifth county in Pennsylvania overall. Since that time, the county has developed rich and dynamic civic, social, political and economic institutions, including both durable agricultural and industrial bases, and serves as a model for communities across the Commonwealth and the Nation.

Mr. President, from September 1777 through June 1778, York served as the capital of our Nation. As British General Howe's army occupied Philadelphia, our early government, the Continental Congress, was first moved to Lancaster, Pennsylvania. After one day, the Continental Congress sought to place further distance between it and the British, so it crossed the Susquehanna river at Wrights' Ferry and resumed session in the Colonial Courthouse in Center Square, York.

Mr. President, it was during the time that the York hosted our nation's government that the Marquis de Lafayette made the famous ''toast that saved the nation.'' With this toast, Lafayette proclaimed his continued support for, and espoused the attributes of, General Washington at a time when certain factions were calling for the General to be replaced. This toast has been credited as saving George Washington's position as our first Commander in Chief. It was also during the time that the Continental Congress convened in York that it adopted the Articles of Confederation. This important document was the precursor to the Constitution and marked the first use of the term ''United States of America.''

Mr. President, the people of York County are proud of their history and their traditions. I am proud to join York in this celebration and ask my colleagues to join me in congratulating York on its 250th anniversary.●

RETIREMENT OF LIEUTENANT GENERAL PATRICK M. HUGHES

● Mr. BAUCUS. Mr. President, I rise today to bring to the attention of Senators the retirement of Lieutenant General Patrick M. Hughes of the United States Army. A native of Great Falls Montana, I am proud that one of our native sons has made such a vital contribution to the defense of this great country, through a military career spanning nearly 40 years.

The recipient of many military awards and honors, including the Defense Distinguished Service Medal, the Silver Star, the Purple Heart and the Bronze Star, General Hughes has been a valuable friend to me and the people he has served in his distinguished career.

Although we have come to expect people of high caliber and dedication in our armed forces, General Hughes's service has been exceptional. Most recently assigned as the Director for Intelligence, J2, the Joint Staff, General Hughes began his military career in 1962. Following completion of his enlistment in 1965, he attended Montana State University, where he graduated in 1968. He was then commissioned in the U.S. Army infantry, and served two tours in Vietnam. He commanded several military intelligence (MI) detachments, an MI battalion, an MI brigade and the Army Intelligence Agency. He also served in senior staff positions, including a tour as the J2 of the U.S. Central Command.

Throughout his distinguished career, General Hughes's tireless and sincere

dedication to the men and women in uniform has vastly improved their quality of life and mission readiness. As he retires from the United States Army, he will leave behind a tremendous legacy.

Mr. President, General Hughes is a great credit to the Army and the Nation. I salute him for his many years of selfless service to our country, and offer my gratitude to him, his wife Karlene and their sons, Barry and Chad, on the occasion of his retirement from the United States Army. I know I speak for the people of my state when I say that I am proud of General Hughes; I know that I speak for all Americans when I say that he will be missed.●

A TRIBUTE TO BOB FERRELL

● Mr. ROCKEFELLER. Mr. President, I would like to take this opportunity to recognize a great patriot from my wonderful State of West Virginia, Mr. Robert ''Bob'' Ferrell. Bob retired from the U.S. Air Force with more than 21 years of active duty service. He bravely served his country during the Vietnam conflict on the C–130 Spectre Gunship as a gunner and instructor gunner. Over the course of many years of service, the Air Force honored Bob with numerous prestigious awards, including the coveted Distinguished Flying Cross.

After completing his tour in Vietnam, Bob returned to his lifelong home of Logan County, and began the hard work of a coal miner to support his family. Bob was an exemplary citizen and participated in many community activities. He was a lifetime member of the American Legion and the Veterans of Foreign Wars. After retiring from the mines in the mid 1980's, Bob traveled all over our State seeking the opportunity to speak to our school children about the importance of service to our country and to our state.

A devoted husband and father, Bob raised four wonderful and productive children, two boys and two girls. The example he set for his sons resulted in both of them following in his footsteps and enlisting in the armed forces. The eldest, Mike, is serving in the 101st Airborne division of Fort Campbell, KY, and Steve is a full-time member of the West Virginia Army National Guard. His daughters also are respected members of their communities. The oldest, LaRue, is a chiropractor, and her younger sister, Anitra, is a loving mother and housewife.

Bob passed away in May of this year, and was buried, so appropriately, on the day which commemorates the lives of all those who sacrificed so much for our nation, Memorial Day. Mr. President, as you know, I am the ranking member of the Senate Committee on Veterans' Affairs, and I take great pride in recognizing this wonderful and patriotic man from my state of West Virginia. Bob was one of more than 200,000 veterans from my home State, and represents the millions of Americans who served our country with pride and distinction. One of the best ways we can honor Bob's memory is to work diligently to ensure that the promises made by our government to all veterans are kept.

I would like to close by saying—thank you, Bob. Your outstanding attitude and unselfish lifestyle are an inspiration to the people of our State. You attained the goal all men strive for, in that, you left the world a better place for all of us.●

COLCHESTER LIONS CLUB

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Colchester Lions Club of Colchester, CT. On October 30, they will be celebrating their 50th anniversary of service to the Colchester community.

The Colchester Lions Club was established on August 2, 1949, and through the support of area residents, they have reached out to assist many members of the community. The Lions Club has lent its support to such worthwhile local causes as the D.A.R.E. Program for schools, academic scholarships for local students, and area food banks, and senior centers. They also have reached far beyond the Town of Colchester by raising funds for organizations such as the Fidelco Guide Dog Foundation and Lions Clubs International.

As the Colchester Lions Club has grown over the years, their numerous good works have touched many lives and demonstrated the true value of volunteerism. The people of Connecticut thank the Colchester Lions Club and all its members for their service, dedication, and contribution to our State.●

IN RECOGNITION OF THE NORTH CATHOLIC GIRLS BASKETBALL TEAM

● Mr. SANTORUM. Mr. President, I rise today to recognize the North Catholic Girls Basketball team for their 25 years of outstanding accomplishments.

Over the past 25 years, the team has earned a record of 671 wins and 100 losses. Coach Don Barth, the team's coach during their first 23 years, took the team to the WPIAL championship game 21 times. Last year, the team again went to the championship game under their current coach, Molly Larkin Rothman.

Among the team's other accomplishments, they have won the state championships seven times, the conference championship 25 times, and they hold the record for the longest winning streak with 56 wins between 1987 and 1989.

Mr. President, I ask my colleagues to join with me in congratulating the North Catholic Girls Basketball team on their outstanding accomplishments over the past 25 years. They have provided an excellent example for youth in Pennsylvania and throughout the country.●

DEATH OF CLIF LEAR

● Mr. BINGAMAN. Mr. President, several weeks ago Cibola County in New Mexico lost one of its leading citizens when Clif Lear of Grants died of cancer.

A businessman, he took public service very seriously and served over the years as a city councilman and as the city manager. His contributions to economic development in an area hit hard when the mines closed made a huge difference to the people of Cibola County, as he worked tirelessly to attract new initiatives and new projects.

His wife and three daughters have the sympathy and appreciation of us all who are grateful for Clif's life and the effort he made to make his corner of New Mexico better.●

SENATE WILDERNESS AND PUBLIC LANDS CAUCUS

● Mr. MCCAIN. Mr. President, I proudly join my colleagues as a founding member of this newly created Senate Wilderness and Public Lands Caucus. I congratulate my friend, Senator FEINGOLD, for his bold spirit and commitment to the active protection of our public lands. I accepted Senator FEINGOLD's invitation to participate in this new Caucus because we share a responsibility to protect the natural resources that sustain our world and grace the quality of our lives.

On this day, we commemorate the success of the 1964 Wilderness Act with a renewed commitment to responsible preservation. More than 35 years since the Act's passage, Americans can more readily cherish and enjoy pristine lands in their natural state, unencumbered by growth and development. An important goal of this new Caucus is the desire to improve our process for making important land management decisions impacting our public lands.

Developing consensus policy for public lands protection is of particular necessity and importance for western states. In Arizona, more than 80 percent of lands are held in public ownership, with 4.5 million acres designated as wilderness. Arizonans enjoy wilderness in such places as the Superstition Mountains, Cabeza Prieta, Baboquivari Peak and the Red Rock Secret Mountain.

Many more difficult land management decisions will require our thoughtful consideration. For example, the state of Arizona has grappled for more than ten years over the question of wilderness suitability for the state's largest national park, the Grand Canyon National Park. Arizonans are still engaged in deliberations of this important decision, as well as determining appropriate land management decisions for other areas in our state.

Each of us is well aware that public land management is divisive and, if not

carefully developed, can usually result in unfair games of give-and-take between land-users and conservationists. A fine balance between competing users has proved to be possible, and it is this balance toward which we must strive. I am joining with my colleagues in this Caucus because I believe that any decisions we make in the Congress for public land policy should heed the spirit of bipartisanship, promote the ethics of stewardship and multiple use, and protect individual rights. In general, we must ensure that all viewpoints on land-use issues are given fair opportunity to be heard.

We should find our inspiration in the example of a hero of mine, and a statesman of the highest virtue, Mo Udall, whose grace and wisdom should inspire every American. Mo once taught a freshman Congressman from the other side of the aisle a valuable lesson. He reached across party lines to enlist me in the effort to tackle environmental problems in our home state.

Mo's faith in the pursuit of cooperation and consensus enabled us to enact landmark legislation placing 3.5 million acres of pristine Arizona lands into the Wilderness Preservation System. Contrary to the predictions of naysayers and competing political interests, Mo Udall brought the Arizona congressional delegation together with broad support from the public. This was no simple task, but it worked, and Mo Udall demonstrated to his colleagues and constituents a successful formula for bringing together people of good faith and different perspectives to achieve a common purpose.

This new Caucus gives us an opportunity to uphold our commitment to responsible preservation while protecting the rights of all Americans for public use of lands. I encourage our colleagues, of all minds on this issue, to join in the Caucus so that our recommendations and discussions can be fully representative of all interested parties.●

● Mr. BAYH. Mr. President, I rise today to express my great pride in becoming a founding member of the newly-formed Senate Wilderness and Public Lands Caucus. The protection of public lands is critical to the preservation of our national heritage, the protection of our environmental health and the endurance of the American tradition of respect for natural resources.

In September of 1964, the Wilderness Protection Act was passed. It was a landmark in public land protection, establishing that some lands managed by the federal government should be preserved as wilderness for the benefit of all Americans. My father was among the Senators who worked to pass that legislation.

Today, wilderness areas are under even greater pressure from increasing development and expansion. As Governor of Indiana, I worked to protect state lands by establishing the Indiana Heritage Trust, which preserved sensitive areas with the proceeds from sales of environmental license plates. That initiative resulted in the protection of more than 5000 acres of threatened lands.

I am proud to join my colleagues in the Senate in starting the Wilderness and Public Lands Caucus and carrying forward the tradition of stewardship of federal lands reflected in the Wilderness Act of 1964. I would like to thank Senator FEINGOLD in particular for his leadership and dedication to this issue.

We have the obligation and the opportunity to protect the natural heritage that belongs to all Americans. The Wilderness and Public Lands Caucus will be an important asset in pursuing that goal by providing support and education regarding federal land management and wilderness areas.●

PROVIDING ASSISTANCE FOR POISON PREVENTION AND FUNDING OF REGIONAL POISON CENTERS—S. 632

On August 5, 1999, the Senate passed S. 632, as follows:

S. 632

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 ''Poison Control Center Enhancement and Awareness Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than 2,000,000 poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings happen in the home. 53 percent of poisoning victims are children younger than 6 years of age.

(2) Poison control centers are a valuable national resource that provide life-saving and cost-effective public health services. For every dollar spent on poison control centers, $7 in medical costs are saved. The average cost of a poisoning exposure call is $32, while the average cost if other parts of the medical system are involved is $932. Over the last 2 decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. Within just the last year, 2 poison control centers have been forced to close because of funding problems. A third poison control center is scheduled to close in April 1999. Currently, there are 73 such centers.

(3) Stabilizing the funding structure and increasing accessibility to poison control centers will increase the number of United States residents who have access to a certified poison control center, and reduce the inappropriate use of emergency medical services and other more costly health care services.

SEC. 3. DEFINITION.

In this Act, the term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 4. ESTABLISHMENT OF A NATIONAL TOLL-FREE NUMBER.

(a) IN GENERAL.—The Secretary shall provide coordination and assistance to regional poison control centers for the establishment of a nationwide toll-free phone number to be used to access such centers.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the establishment or continued operation of any privately funded nationwide toll-free phone number used to provide advice and other assistance for poisonings or accidental exposures.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004. Funds appropriated under this subsection shall not be used to fund any toll-free phone number described in subsection (b).

SEC. 5. ESTABLISHMENT OF NATIONWIDE MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary shall establish a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 4.

(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $600,000 for each of the fiscal years 2000 through 2004.

SEC. 6. ESTABLISHMENT OF A GRANT PROGRAM.

(a) REGIONAL POISON CONTROL CENTERS.—The Secretary shall award grants to certified regional poison control centers for the purposes of achieving the financial stability of such centers, and for preventing and providing treatment recommendations for poisonings.

(b) OTHER IMPROVEMENTS.—The Secretary shall also use amounts received under this section to—

(1) develop standard education programs;

(2) develop standard patient management protocols for commonly encountered toxic exposures;

(3) improve and expand the poison control data collection systems;

(4) improve national toxic exposure surveillance; and

(5) expand the physician/medical toxicologist supervision of poison control centers.

(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may make a grant to a center under subsection (a) only if—

(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirement of subsection (c) with respect to a noncertified poison control center or a newly established center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

(2) RENEWAL.—The Secretary may only renew a waiver under paragraph (1) for a period of 3 years.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State, or local funds provided for such center.

(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

(g) MATCHING REQUIREMENT.—The Secretary may impose a matching requirement with respect to amounts provided under a grant under this section if the Secretary determines appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 2000 through 2004.

E–911 ACT OF 1999

On August 5, 1999, the Senate passed S. 800, as follows:

S. 800

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 ''Wireless Communications and Public Safety Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the establishment and maintenance of an end-to-end communications infrastructure among members of the public, emergency safety, fire service and law enforcement officials, emergency dispatch providers, transportation officials, and hospital emergency and trauma care facilities will reduce response times for the delivery of emergency care, assist in delivering appropriate care, and thereby prevent fatalities, substantially reduce the severity and extent of injuries, reduce time lost from work, and save thousands of lives and billions of dollars in health care costs;

(2) the rapid, efficient deployment of emergency telecommunications service requires statewide coordination of the efforts of local public safety, fire service and law enforcement officials, emergency dispatch providers, and transportation officials; the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment; the coordination and integration of emergency communications with traffic control and management systems and the designation of 9–1–1 as the number to call in emergencies throughout the Nation;

(3) emerging technologies can be a critical component of the end-to-end communications infrastructure connecting the public with emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities, to reduce emergency response times and provide appropriate care;

(4) improved public safety remains an important public health objective of Federal, State, and local governments and substantially facilitates interstate and foreign commerce;

(5) emergency care systems, particularly in rural areas of the Nation, will improve with the enabling of prompt notification of emergency services when motor vehicle crashes occur; and

(6) the construction and operation of seamless, ubiquitous, and reliable wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public; emergency medical service providers and emergency dispatch providers; public safety, fire service and law enforcement officials; transportation officials, and hospital emergency and trauma care facilities.

(b) PURPOSE.—The purpose of this Act is to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs.

SEC. 3. UNIVERSAL EMERGENCY TELEPHONE NUMBER.

(a) ESTABLISHMENT OF UNIVERSAL EMERGENCY TELEPHONE NUMBER.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

''(3) UNIVERSAL EMERGENCY TELEPHONE NUMBER.—The Commission and any agency or entity to which the Commission has delegated authority under this subsection shall designate 9–1–1 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. The designation shall apply to both wireline and wireless telephone service. In making the designation, the Commission (and any such agency or entity) shall provide appropriate transition periods for areas in which 9–1–1 is not in use as an emergency telephone number on the date of enactment of the Wireless Communications and Public Safety Act of 1999.''.

(b) SUPPORT.—The Federal Communications Commission shall encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 9–1–1 service. In encouraging and supporting that deployment, the Commission shall consult and cooperate with State and local officials responsible for emergency services and public safety, the telecommunications industry (specifically including the cellular and other wireless telecommunications service providers), the motor vehicle manufacturing industry, emergency medical service providers and emergency dispatch providers, transportation officials, special 9–1–1 districts, public safety, fire service and law enforcement officials, consumer groups, and hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses). The Commission shall encourage each State to develop and implement coordinated statewide deployment plans, through an entity designated by the governor, and to include representatives of the foregoing organizations and entities in development and implementation of such plans. Nothing in this subsection shall be construed to authorize or require the Commission to impose obligations or costs on any person.

SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.

(a) PROVIDER PARITY.—A wireless carrier, and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability in a State of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law (whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise) applicable in such State, including in connection with an act or omission involving the release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services.

(b) USER PARITY.—A person using wireless 9–1–1 service shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 9–1–1 service that is not wireless.

(c) PSAP PARITY.—In matters related to wireless 9–1–1 communications, a PSAP, and its employees, vendors, agents, and authorizing government entity (if any) shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to such PSAP, employees, vendors, agents, and authorizing government entity, respectively, in matters related to 9–1–1 communications that are not wireless.

(d) BASIS FOR ENACTMENT.—This section is enacted as an exercise of the enforcement power of the Congress under section 5 of the Fourteenth Amendment to the Constitution and the power of the Congress to regulate commerce with foreign nations, among the several States, and with Indian tribes.

SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) in subsection (d)—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon and ''and''; and

(C) by adding at the end the following:

''(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d))—

''(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services;

''(B) to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

''(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.''.

(2) by redesignating subsection (f) as subsection (h) and by inserting the following after subsection (e):

''(f) AUTHORITY TO USE WIRELESS LOCATION INFORMATION.—For purposes of subsection (c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use or disclosure of or access to—

''(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)), other than in accordance with subsection (d)(4); or

''(2) automatic crash notification information to any person other than for use in the operation of an automatic crash notification system.

''(g) SUBSCRIBER LISTED AND UNLISTED INFORMATION FOR EMERGENCY SERVICES.—Notwithstanding subsections (b), (c), and (d), a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (i)(3)(A)

(including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.'';

(3) by inserting ''location,'' after ''destination,'' in subsection (h)(1)(A) (as redesignated by paragraph (2)); and

(4) by adding at the end of subsection (h) (as redesignated), the following:

''(4) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

''(5) EMERGENCY SERVICES.—The term 'emergency services' means 9–1–1 emergency services and emergency notification services.

''(6) EMERGENCY NOTIFICATION SERVICES.—The term 'emergency notification services' means services that notify the public of an emergency.

''(7) EMERGENCY SUPPORT SERVICES.—The term 'emergency support services' means information or data base management services used in support of emergency services.''.

SEC. 6. DEFINITIONS.

As used in this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) STATE.—The term ''State'' means any of the several States, the District of Columbia, or any territory or possession of the United States.

(3) PUBLIC SAFETY ANSWERING POINT; PSAP.—The term ''public safety answering point'' or ''PSAP'' means a facility that has been designated to receive 9–1–1 calls and route them to emergency service personnel.

(4) WIRELESS CARRIER.—The term ''wireless carrier'' means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9–1–1 service.

(5) ENHANCED WIRELESS 9–1–1 SERVICE.—The term ''enhanced wireless 9–1–1 service'' means any enhanced 9–1–1 service so designated by the Federal Communications Commission in the proceeding entitled ''Revision of the Commission's Rules to Ensure Compatibility with Enhanced 9–1–1 Emergency Calling Systems'' (CC Docket No. 94–102; RM–8143), or any successor proceeding.

(6) WIRELESS 9–1–1 SERVICE.—The term ''wireless 9–1–1 service'' means any 9–1–1 service provided by a wireless carrier, including enhanced wireless 9–1–1 service.

(7) EMERGENCY DISPATCH PROVIDERS.—The term ''emergency dispatch providers'' shall include governmental and nongovernmental providers of emergency dispatch services.

CENTENNIAL OF FLIGHT COMMEMORATION ACT OF 1999

On August 5, 1999, the Senate passed S. 1072, as follows:

S. 1072

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

SECTION 1. CENTENNIAL OF FLIGHT COMMISSION.

The Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.) is amended—

(1) in section 4—

(A) in subsection (a)—

(i) in paragraphs (1) and (2) by striking ''or his designee'';

(ii) in paragraph (3) by striking '', or his designee'' and inserting ''to represent the interests of the Foundation''; and in paragraph (3) strike the word ''chairman'' and insert the word ''president'';

(iii) in paragraph (4) by striking '', or his designee'' and inserting ''to represent the interests of the 2003 Committee'';

(iv) in paragraph (5) by inserting before the period ''and shall represent the interests of such aeronautical entities''; and

(v) in paragraph (6) by striking '', or his designee'';

(B) by striking subsection (f);

(C) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(D) by inserting after subsection (a) the following:

''(b) ALTERNATES.—Each member described under subsection (a) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.'';

(2) in section 5—

(A) in subsection (a)—

(i) by inserting ''provide recommendations and advice to the President, Congress, and Federal agencies on the most effective ways to'' after ''The Commission shall'';

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;

(B) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

''(b) INTERNATIONAL ACTIVITIES.—The Commission may—

''(1) advise the United States with regard to gaining support for and facilitating international recognition of the importance of aviation history in general and the centennial of powered flight in particular; and

''(2) attend international meetings regarding such activities as advisors to official United States representatives or to gain or provide information for or about the activities of the Commission.''; and

(C) by adding at the end the following:

''(d) ADDITIONAL DUTIES.—The Commission may—

''(1)(A) assemble, write, and edit a calendar of events in the United States (and significant events in the world) dealing with the commemoration of the centennial of flight or the history of aviation;

''(B) actively solicit event information; and

''(C) disseminate the calendar by printing and distributing hard and electronic copies and making the calendar available on a web page on the Internet;

''(2) maintain a web page on the Internet for the public that includes activities related to the centennial of flight celebration and the history of aviation;

''(3) write and produce press releases about the centennial of flight celebration and the history of aviation;

''(4) solicit and respond to media inquiries and conduct media interviews on the centennial of flight celebration and the history of aviation;

''(5) initiate contact with individuals and organizations that have an interest in aviation to encourage such individuals and organizations to conduct their own activities in celebration of the centennial of flight;

''(6) provide advice and recommendations, through the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or any employee of such an agency head under the direction of that agency head), to individuals and organizations that wish to conduct their own activities in celebration of the centennial of flight, and maintain files of information and lists of experts on related subjects that can be disseminated on request;

''(7) sponsor meetings of Federal agencies, State and local governments, and private individuals and organizations for the purpose of coordinating their activities in celebration of the centennial of flight; and

''(8) encourage organizations to publish works related to the history of aviation.'';

(3) in section 6(a)—

(A) in paragraph (2)—

(i) by striking the first sentence; and

(ii) in the second sentence—

(I) by striking ''the Federal'' and inserting ''a Federal''; and

(II) by striking ''the information'' and inserting ''information''; and

(B) in paragraph (3) by striking ''section 4(c)(2)'' and inserting ''section 4(d)(2)'';

(4) in section 6(c)(1) by striking ''the Commission may'' and inserting ''the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or an employee of the respective administration as designated by either Administrator) may, on behalf of the Commission,'';

(5) in section 7—

(A) in subsection (a) in the first sentence—

(i) by striking ''There'' and inserting ''Subject to subsection (h), there''; and

(ii) by inserting before the period ''or represented on the Advisory Board under section 12(b)(1) (A) through (E)'';

(B) in subsection (b) by striking ''The Commission'' and inserting ''Subject to subsection (h), the Commission'';

(C) by striking subsection (g);

(D) by redesignating subsection (h) as subsection (g); and

(E) by adding at the end the following:

''(h) LIMITATION.—Each member of the Commission described under section 4(a) (3), (4), and (5) may not make personnel decisions, including hiring, termination, and setting terms and conditions of employment.'';

(6) in section 9—

(A) in subsection (a)—

(i) by striking ''The Commission may'' and inserting ''After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may''; and

(ii) by striking ''its duties or that it'' and inserting ''the duties under this Act or that the Administrator of the National Aeronautics and Space Administration'';

(B) in subsection (b)—

(i) in the first sentence by striking ''The Commission shall have'' and inserting ''After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may exercise''; and

(ii) in the second sentence by striking ''that the Commission lawfully adopts'' and inserting ''adopted under subsection (a)''; and

(C) by amending subsection (d) to read as follows:

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), funds from licensing royalties received under this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

''(2) EXCESS FUNDS.—The Commission shall transfer any portion of funds in excess of funds necessary to carry out the duties described under paragraph (1), to the National Aeronautics and Space Administration to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.'';

(7) in section 10—

(A) in subsection (a)—

(i) in the first sentence, by striking ''activities of the Commission'' and inserting

''actions taken by the Commission in fulfillment of the Commission's duties under this Act'';

(ii) in paragraph (3), by adding ''and'' after the semicolon;

(iii) in paragraph (4), by striking the semicolon and ''and'' and inserting a period; and

(iv) by striking paragraph (5); and

(B) in subsection (b)(1) by striking ''activities'' and inserting ''recommendations'';

(8) in section 12—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraphs (A), (C), (D), and (E), by striking '', or the designee of the Secretary'';

(II) in subparagraph (B), by striking '', or the designee of the Librarian''; and

(III) in subparagraph (F)—

(aa) in clause (i) by striking ''government'' and inserting ''governmental entity''; and

(bb) by amending clause (ii) to read as follows:

''(ii) shall be selected among individuals who—

''(I) have earned an advanced degree related to aerospace history or science, or have actively and primarily worked in an aerospace related field during the 5-year period before appointment by the President; and

''(II) specifically represent 1 or more of the persons or groups enumerated under section 5(a)(1).''; and

(ii) by adding at the end the following:

''(2) ALTERNATES.—Each member described under paragraph (1) (A) through (E) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.''; and

(B) in subsection (h) by striking ''section 4(e)'' and inserting ''section 4(d)''; and

(9) in section 13—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

ANTICYBERSQUATTING CONSUMER PROTECTION ACT

On August 5, 1999, the Senate passed S. 1255, as follows:

S. 1255

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Anticybersquatting Consumer Protection Act.''.

(b) REFERENCES TO THE TRADEMARK ACT OF 1946.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled ''An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) The registration, trafficking in, or use of a domain name that is identical or confusingly similar to a trademark or service mark of another that is distinctive at the time of the registration of the domain name, or dilutive of a famous trademark or service mark of another that is famous at the time of the registration of the domain name, without regard to the goods or services of the parties, with the bad-faith intent to profit from the goodwill of another's mark (commonly referred to as ''cyberpiracy'' and ''cybersquatting'')—

(A) results in consumer fraud and public confusion as to the true source or sponsorship of goods and services;

(B) impairs electronic commerce, which is important to interstate commerce and the United States economy;

(C) deprives legitimate trademark owners of substantial revenues and consumer goodwill; and

(D) places unreasonable, intolerable, and overwhelming burdens on trademark owners in protecting their valuable trademarks.

(2) Amendments to the Trademark Act of 1946 would clarify the rights of a trademark owner to provide for adequate remedies and to deter cyberpiracy and cybersquatting.

SEC. 3. CYBERPIRACY PREVENTION.

(a) IN GENERAL.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by inserting at the end the following:

''(d)(1)(A) A person shall be liable in a civil action by the owner of a trademark or service mark if, without regard to the goods or services of the parties, that person—

''(i) has a bad faith intent to profit from that trademark or service mark; and

''(ii) registers, traffics in, or uses a domain name that—

''(I) in the case of a trademark or service mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to such mark; or

''(II) in the case of a famous trademark or service mark that is famous at the time of registration of the domain name, is dilutive of such mark.

''(B) In determining whether there is a bad-faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—

''(i) the trademark or other intellectual property rights of the person, if any, in the domain name;

''(ii) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;

''(iii) the person's prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;

''(iv) the person's legitimate noncommercial or fair use of the mark in a site accessible under the domain name;

''(v) the person's intent to divert consumers from the mark owner's online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;

''(vi) the person's offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for substantial consideration without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services;

''(vii) the person's intentional provision of material and misleading false contact information when applying for the registration of the domain name; and

''(viii) the person's registration or acquisition of multiple domain names which are identical or confusingly similar to trademarks or service marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous trademarks or service marks of others that are famous at the time of registration of such domain names, without regard to the goods or services of such persons.

''(C) In any civil action involving the registration, trafficking, or use of a domain name under this paragraph, a court may order the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.

''(D) A use of a domain name described under subparagraph (A) shall be limited to a use of the domain name by the domain name registrant or the domain name registrant's authorized licensee.

''(2)(A) The owner of a mark may file an in rem civil action against a domain name if—

''(i) the domain name violates any right of the registrant of a mark registered in the Patent and Trademark Office, or section 43 (a) or (c); and

''(ii) the court finds that the owner has demonstrated due diligence and was not able to find a person who would have been a defendant in a civil action under paragraph (1).

''(B) The remedies of an in rem action under this paragraph shall be limited to a court order for the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.''.

(b) ADDITIONAL CIVIL ACTION AND REMEDY.—The civil action established under section 43(d)(1) of the Trademark Act of 1946 (as added by this section) and any remedy available under such action shall be in addition to any other civil action or remedy otherwise applicable.

SEC. 4. DAMAGES AND REMEDIES.

(a) REMEDIES IN CASES OF DOMAIN NAME PIRACY.—

(1) INJUNCTIONS.—Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking ''section 43(a)'' and inserting ''section 43 (a), (c), or (d)''.

(2) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by inserting '', (c), or (d)'' after ''section 43 (a)''.

(b) STATUTORY DAMAGES.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

''(d) In a case involving a violation of section 43(d)(1), the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. The court shall remit statutory damages in any case in which an infringer believed and had reasonable grounds to believe that use of the domain name by the infringer was a fair or otherwise lawful use.''.

SEC. 5. LIMITATION ON LIABILITY.

Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114) is amended—

(1) in the matter preceding subparagraph (A) by striking ''under section 43(a)'' and inserting ''under section 43 (a) or (d)''; and

(2) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D)(i) A domain name registrar, a domain name registry, or other domain name registration authority that takes any action described under clause (ii) affecting a domain name shall not be liable for monetary relief to any person for such action, regardless of whether the domain name is finally determined to infringe or dilute the mark.

''(ii) An action referred to under clause (i) is any action of refusing to register, removing from registration, transferring, temporarily disabling, or permanently canceling a domain name—

''(I) in compliance with a court order under section 43(d); or

''(II) in the implementation of a reasonable policy by such registrar, registry, or authority prohibiting the registration of a domain name that is identical to, confusingly similar to, or dilutive of another's mark registered on the Principal Register of the United States Patent and Trademark Office.

''(iii) A domain name registrar, a domain name registry, or other domain name registration authority shall not be liable for

damages under this section for the registration or maintenance of a domain name for another absent a showing of bad faith intent to profit from such registration or maintenance of the domain name.

''(iv) If a registrar, registry, or other registration authority takes an action described under clause (ii) based on a knowing and material misrepresentation by any person that a domain name is identical to, confusingly similar to, or dilutive of a mark registered on the Principal Register of the United States Patent and Trademark Office, such person shall be liable for any damages, including costs and attorney's fees, incurred by the domain name registrant as a result of such action. The court may also grant injunctive relief to the domain name registrant, including the reactivation of the domain name or the transfer of the domain name to the domain name registrant.

''(v) A domain name registrant whose domain name has been suspended, disabled, or transferred under a policy described under clause (ii)(II) may, upon notice to the mark owner, file a civil action to establish that the registration or use of the domain name by such registrant is not unlawful under this Act. The court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant.''.

SEC. 6. DEFINITIONS.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the undesignated paragraph defining the term ''counterfeit'' the following:

''The term 'Internet' has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).

''The term 'domain name' means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.''.

SEC. 7. SAVINGS CLAUSE.

Nothing in this Act shall affect any defense available to a defendant under the Trademark Act of 1946 (including any defense under section 43(c)(4) of such Act or relating to fair use) or a person's right of free speech or expression under the first amendment of the United States Constitution.

SEC. 8. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstances is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 9. EFFECTIVE DATE.

This Act shall apply to all domain names registered before, on, or after the date of enactment of this Act, except that statutory damages under section 35(d) of the Trademark Act of 1946 (15 U.S.C. 1117), as added by section 4 of this Act, shall not be available with respect to the registration, trafficking, or use of a domain name that occurs before the date of enactment of this Act.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBER AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM MAR. 27, TO JUNE 3, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Forrign currency	U.S. dollar equivalent or U.S. currency
Senator J. Robert Kerrey:									
France	Franc	2,774	462.00		1,119.56	320	53.30		1,634.86
Debra A. Reed:									
France	Franc	716	119.00		3,123.93				3,242.93
Senator Patrick J. Leahy:									
Ireland	Pound	584.38	788.00		1.082.35				1,870.35
Senator Patrick J. Leahy:									
Northern Ireland	Dollar		254.00						254.00
John P. Dowd:									
Ireland	Pound	584.38	788.00		1,082.35				1,870.35
Northern Ireland	Dollar		254.00						254.00
Frederick S. Kenney II:									
Ireland	Pound	1,012.84	1,379.00		1,612.40				2991.40
Total			4,044.00		8,020.59		53.30		12,117.89

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition, and Forestry, July 1, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
France	Franc	31.60	505.00					31.60	505.00
Senator Richard C. Shelby:									
France	Franc	31.60	505.00					31.60	505.00
Senator Ben Nighthorse Campbell:									
France	Franc	31.60	505.00					31.60	505.00
Steve Cortese:									
France	Franc	31.60	505.00					31.60	505.00
Gary Reese:									
France	Franc	31.60	505.00					31.60	505.00
John Young:									
France	Franc	31.60	505.00					31.60	505.00
Wally Burnett:									
France	Franc	31.60	505.00					31.60	505.00
Tammy Perrin:									
France	Franc	31.60	505.00					31.60	505.00
Senator Daniel K. Inouye:									
Japan	Yen	115,130	940.99					115,130	940.99
Charlie Houy:									
Japan	Yen	110,942	906.76					110,942	906.76
Total			5,887.75						5,887.75

TED STEVENS,
Chairman, Committee on Appropriations, July 20, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles S. Abell:									
Honduras	Lempira	423.00	30.00						30.00
Honduras	Dollar		356.00						356.00
Honduras	Dollar				1,328.40				1,328.40
Senator John Warner:									
United States	Dollar				4,150.88				4,150.88
United Kingdom	Pound		730.00						730.00
Belgium	Franc		479.00						479.00
Italy	Lira		325.00						325.00
Senator Tim Hutchinson:									
United States	Dollar				4,897.50				4,897.50
Italy	Lira	966,786	538.00						538.00
Belgium	Franc	8,674	232.00						232.00
United Kingdom	Pound	196.10	315.00						315.00
Todd B. Deatherage:									
United States	Dollar				4,897.50				4,897.50
Italy	Lira	966,786	538.00						538.00
Belgium	Franc	8,674	232.00						232.00
United Kingdom	Pound	196.10	315.00						315.00
Gary M. Hall:									
Israel	Dollar		10.00						10.00
Bahrain	Dollar		298.25						298.25
Patrick F. McCartan:									
Israel	Dollar		10.00						10.00
Bahrain	Dollar		387.25						387.25
Senator Olympia J. Snowe:									
Israel	Dollar		10.00						10.00
Bahrain	Dollar		284.25						284.25
Senator Jeff Sessions:									
Germany	Dollar		494.00						494.00
Czech Republic	Dollar		282.00						282.00
Turkey	Dollar		748.00						748.00
Italy	Dollar		734.00						734.00
France	Dollar		342.00						342.00
Senator Pat Roberts:									
France	Franc	31.60	505.00						505.00
Senator James M. Inhofe:									
United States	Dollar				4,930.67				4,930.67
Germany	Dollar		101.50						101.50
Northern Ireland	Dollar		274.00						274.00
Germany	Dollar		185.00						185.00
Albania	Dollar		170.00						170.00
United Kingdom	Dollar		670.00						670.00
France	Franc	31.60	505.00						505.00
Total			10,100.25						30,305.20

JOHN WARNER,
Chairman, Committee on Armed Services, June 30, 1999.

ADDENDUM TO 1ST QUARTER OF 1999.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES COMMITTEE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1999.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jack Reed:									
Cuba	Dollar		311.93						311.93
Neil D. Campbell:									
Cuba	Dollar		715.00						715.00
Total			1,026.93						1,026.93

JOHN WARNER,
Chairman, Committee on Armed Services, June 30, 1999

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Germany	Dollar		494.00						494.00
Czech	Dollar		282.00						282.00
Turkey	Dollar		748.00						748.00
Italy	Dollar		734.00						734.00
France	Dollar		342.00						342.00
Senator Wayne Allard:									
Germany	Dollar		494.00						494.00
Czech	Dollar		282.00						282.00
Turkey	Dollar		748.00						748.00
Italy	Dollar		734.00						734.00
France	Dollar		342.00						342.00
Senator Mike Enzi:									
Germany	Dollar		494.00						494.00
Czech	Dollar		282.00						282.00
Turkey	Dollar		748.00						748.00
Italy	Dollar		734.00						734.00
France	Dollar		342.00						342.00
Ms. Ruth Cymber:									
Germany	Dollar		494.00						494.00
Czech	Dollar		282.00						282.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Turkey	Dollar		483.00						483.00
Italy	Dollar		539.00						539.00
France	Dollar		342.00						342.00
Senator Evan Bayh:									
Portugal	Dollar		837.00		4,084.00				4,921.00
Mr. Robert O'Quinn:									
England	Dollar		1,460.00						1,460.00
Philippines	Dollar		744.00						744.00
Total	Dollar		12,981.00		4,084.00				17,065.00

PHIL GRAMM,
Chairman, Committee on Banking, Housing, and Urban Affairs, July 30, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randall Popelka:									
Switzerland	Franc	2,150.14	1,427.43					2,150.14	1,427.43
United States	Dollar				923.46				923.46
Total			1,427.43		923.46				2,350.89

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, July 23, 1999.

ADDENDUM TO 1ST QUARTER OF 1999.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Graham:									
Honduras	Dollar		264.00						264.00
Nicaragua	Dollar		75.00						75.00
Robert Filippone:									
Honduras	Dollar		264.00						264.00
Nicaragua	Dollar		75.00						75.00
Gary Shiffman:									
Honduras	Dollar		264.00						264.00
Nicaragua	Dollar		75.00						75.00
Faryar Shirzad:									
Honduras	Dollar		191.06						191.06
Nicaragua	Dollar		6.00						6.00
Daniel Bob:									
Peru	Dollar		1,224.00		825.40				2,049.40
China	Dollar		738.98		469.00				1,207.98
Robert Six:									
Taiwan	Dollar		954.82						954.82
Japan	Dollar		2,066.91						2,066.91
China	Dollar		806.77						806.77
United States	Dollar				4,892.06				4,892.06
United States	Dollar				8,172.00				8,172.00
Senator John Rockefeller:									
United States	Dollar				15,531.00				15,531.00
Taiwan	Dollar		1,201.50						1,201.50
Japan	Dollar		624.00						624.00
Total			8,831.04		29,889.46				38,720.50

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, July 28, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ian Brzezinski:									
Poland	Dollar		1,177.62						1,177.62
United States	Dollar				1,664.26				1664.26
Total			1,177.62		1,664.26				2,841.88

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, July 28, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
United States	Dollar				2,742.53				2,742,53
Senator Sam Brownback:									
Kenya	Dollar		1,470.00						1,470.00
United States	Dollar				6,961.15				6,961.15
Senator Christopher Dodd:									
Belgium	Dollar		100.00						100.00
United States	Dollar				5,975.97				5,975.97
United States	Dollar				3,029.00				3,029.00
Senator Chuck Hagel:									
United States	Dollar				4,971.37				4,971.37
Senator John Kerry:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		121.00						121.00
Vietnam	Dollar		556.00						556.00
United Kingdom	Dollar		280.00						280.00
United States	Dollar				11,006.92				11,006.92
Frank Jannuzi:									
Taiwan	Dollar		955.50						955.50
United States	Dollar				3,277.55				3,277.55
Michael Miller:									
South Africa	Dollar		1,003.10						1,003.10
United States	Dollar				5,600.99				5,600.99
Janice O'Connell:									
Belgium	Dollar		150.00						150.00
France	Dollar		332.00						332.00
United States	Dollar				5,397.79				5,397.79
Nancy Stetson:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		130.00						130.00
Vietnam	Dollar		393.00						393.00
United Kingdom	Dollar		281.00						281.00
United States	Dollar				6,959.40				6,959.40
Michael Westphal:									
South Africa	Dollar		914.78						914.78
United States	Dollar				5,600.99				5,600.99
Total			7,446.38		61,523.66				68,970.04

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 27, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Fred Thompson:									
United States	Dollar				7,310.13				7,310.13
Italy	Lira		646.00						646.00
Germany	Deutschmark		420.00						420.00
Curtis Silvers:									
United States	Dollar				5,402.13				5,402.13
Italy	Lira		544.00						544.00
Germany	Deutschmark		420.00						420.00
Christopher Ford:									
United States	Dollar				5,402.13				5,402.13
Italy	Lira		544.00						544.00
Germany	Deutschmark		420.00						420.00
Senator Susan Collins:									
United States	Dollar				812.81				812.81
Northern Ireland	Pound	50.62	81.00						81.00
Ireland	Pound	172.17	229.00						229.00
England	Pound	171.31	273.00						273.00
Senator Thad Cochran:									
Scotland	Pound		273.00						273.00
Belgium	Franc		269.00						269.00
Dennis Ward:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Dennis McDowell:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Michael Loesch:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Mitchel Kugler:									
United States	Dollar				4,882.76				4,882.76
United Kingdom	Pound		2,540.00		197.00				2,737.00
Total			8,552.00		24,006.96				32,558.96

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, June 30, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United states	Dollar				1,924.69				1,924.69
Rosemary Gutierrez:									
United states	Dollar				1,924.69				1,924.69
Total					3,849.38				3,849.38

JIM JEFFORDS,
Chairman, Committee on Health, Education, Labor, and Pensions, July 19, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Cuba	Dollar		216.00						216.00
David Urban:									
Cuba	Dollar		187.59		20.00		117.41		325.00
Charles Robbins:									
Cuba	Dollar		247.50		2.90		48.00		298.40
Anthony Cunningham:									
Cuba	Dollar		292.56		15.00		17.44		325.00
Total			943.65		37.90		182.85		1,164.40

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, July 6, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Straub			730.00		4,668.50				5,398.50
Senator J. Robert Kerrey			730.00		4,750.50				5,480.50
Nicholas Rostow			453.00						453.00
Senator Bob Graham			20.50						20.50
Alfred Cumming			134.50						134.50
Bob Fillipone			135.50						135.50
Senator Richard G. Lugar			1,966.00		4,247.77				6,213.77
Kenneth Myers			2,140.00		4,247.77				6,387.77
Total			6,309.50		17,914.54				24,224.04

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, July 15, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM MAY 14 TO MAY 17, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Kay Bailey Hutchison:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		129.00						129.00
Senator Frank Lautenberg:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		122.00						122.00
Senator Tom Harkin:									
Bulgaria	Dollar		233.50						233.50
Belgium	Dollar		152.00						152.00
Senator Rod Grams:									
Bulgaria	Dollar		40.60						40.60
Belgium	Dollar		146.00						146.00
Senator Gordon Smith:									
Bulgaria	Dollar		233.50						233.50
Belgium	Dollar		133.00						133.00
Senator George Voinovich:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		122.00						122.00
James W. Ziglar:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		122.00						122.00
Frederic Baron:									
Bulgaria	Dollar		191.50						191.50
Belgium	Dollar		122.00						122.00
Dave Davis:									
Bulgaria	Dollar		187.50						187.50
Belgium	Dollar		165.00						165.00
Larry DiRita:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		191.00						191.00
Beth Stewart:									
Bulgaria	Dollar		204.50						204.50
Belgium	Dollar		122.00						122.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM MAY 14 TO MAY 17, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sally Walsh:									
Bulgaria	Dollar		171.50						171.50
Belgium	Dollar		122.00						122.00
Delegation expenses: [1]									
Hungary							435.61		435.61
Bulgaria							380.61		380.61
Albania							1,090.94		1,090.94
Macedonia							430.61		430.61
Belgium							522.17		522.17
Total			3,768.10				2,859.94		6,628.04

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader, July 1, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM APR. 16 TO APR. 18, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
Belgium	Franc		242.00						242.00
Senator Carl Levin:									
Belgium	Franc		242.00						242.00
Senator Don Nickles:									
Belgium	Franc		242.00						242.00
Senator Chuck Robb:									
Belgium	Franc		242.00						242.00
United States	Dollar				2,882.53				2,882.53
Senator Fred Thompson:									
Belgium	Franc		242.00						242.00
Senator Pat Roberts:									
Belgium	Franc		242.00						242.00
Senator Richard Durbin:									
Belgium	Franc		242.00						242.00
Senator Joe Biden:									
Belgium	Franc		242.00						242.00
Senator Max Baucus:									
Belgium	Franc		242.00						242.00
Mr. Steven Cortese:									
Belgium	Franc		242.00						242.00
Ms. Robin Cleveland:									
Belgium	Franc		242.00						242.00
Richard DeBobes:									
Belgium	Franc		196.00						196.00
Jim Jatras:									
Belgium	Franc		242.00						242.00
Terry Sauvain:									
Belgium	Franc		242.00						242.00
Total			3,342.00		2,882.53				6,224,53

TRENT LOTT, Majority Leader,
TIM DASCHLE, Democratic Leader, July 14, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM APRIL 4, TO APRIL 11, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Brazil	Real	1,442.55	815.00					1,442.55	815.00
Argentina	Dollar		744.00						744.00
Chile	Peso	288,712	604.00					288,712	604.00
Senator Harry Reid:									
Brazil	Real	1,442.55	815.00					1,442.55	815.00
Argentina	Dollar		744.00						744.00
Chile	Peso	288,712	604.00					288,712	604.00
Senator Byron Dorgan:									
Brazil	Real	1,442.55	815.00					1,442.55	815.00
Argentina	Dollar		744.00						744.00
Chile	Peso	288,712	604.00					288,712	604.00
Senator Ben Nighthorse Campbell:									
Brazil	Real	1,442.55	815.00					1,442.55	815.00
Argentina	Dollar		744.00						744.00
Chile	Peso	288,712	604.00					288,712	604.00
Sheila Murphy:									
Brazil	Real	877.92	496.00					877.92	496.00
Argentina	Dollar		744.00						744.00
Chile	Peso	180,206	377.00					180,206	377.00
Eric Washburn:									
Brazil	Real	1,154.04	652.00					1,154.04	652.00
Argentina	Dollar		744.00						744.00
Chile	Peso	193,112	404.00					193,112	404.00
Sally Walsh:									
Brazil	Real	1,088.55	615.00					1,088.55	615.00
Argentina	Dollar		744.00						744.00
Chile	Peso	239,956	502.00					239,956	502.00
Delegation expenses:[1]									
Brazil							4,501.31		4,501.31

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM APRIL 4, TO APRIL 11, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Argentina							5,146.59		5,146.59
Chile							3,928.23		3,928.23
Total			13,930.00				13,576.13		27,506.13

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22. of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, June 25, 1999.

MEASURE READ FOR THE FIRST TIME—S.J. RES. 33

Mr. BROWNBACK. Madam President, I understand that S.J. Res. 33, introduced earlier by Senator LOTT, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the resolution for the first time.

The bill clerk read as follows:

A joint resolution (S.J. Res. 33) deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

Mr. BROWNBACK. Madam President, I now ask for its second reading, and I object on behalf of the Democrats in the Senate.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

EXECUTIVE SESSION

NOMINATION OF CARLOS MURGUIA, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS

Mr. BROWNBACK. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: No. 176, the nomination of Judge Carlos Murguia to be U.S. district judge for the district of Kansas.

I take this opportunity to inform my fellow Members a little bit about Judge Murguia. I went to school with Judge Murguia. I am delighted to see him join the bench in Kansas. I want to speak today for a few minutes and tell my colleagues about Judge Murguia, whose nomination to the Federal Judiciary I understand will be agreed to before the close of business today.

The Federal Judiciary is a truly high honor and responsibility. Those nominated to serve must be men and women of the highest professional and personal qualifications. I am privileged and pleased today to commend to the Senate Judge Carlos Murguia of Kansas City, KS. A native of Kansas City, Carlos Murguia is part of a remarkable family. Every one of his four siblings have earned a law degree from the University of Kansas. One sister works as deputy director of legislative affairs at the White House. Another sister is an assistant U.S. attorney in Arizona.

Judge Murguia has served as a Wyandotte County District judge since September of 1990. He is a graduate of the University of Kansas School of Journalism and a graduate of my alma mater, the University of Kansas School of Law.

Judge Murguia took an unusual career path upon graduating from that institution of legal scholarship that has turned out so many outstanding attorneys. He chose to use his newly minted legal skills to help others in a generally lower-income area of Kansas city. He chose to help others in this area who ordinarily would not have access to legal representation in situations others often take for granted.

Judge Murguia took his first step into the Judiciary while still in private practice, serving first as a part-time small claims judge for the Wyandotte County district court. Later in 1990, Kansas Republican Governor Mike Hayden appointed Mr. Murguia Wyandotte County District Judge, filling the reminder of a term of a judge who died in office. He was elected to his own 4-year terms in both 1992 and 1996. Judge Murguia served Wyandotte County with distinction in this office for 10 years.

Madam President, I am confident that Judge Murguia will bring to the Federal bench the skills and knowledge of an outstanding jurist of personal integrity and with the dedication of a man who took his law degree to help his fellow citizens.

On a personal note, when you see the demeanor of Judge Murguia and you are around his presence, you recognize and see the beauty of this person, the beauty of his soul, the beauty of the smile that goes on his face when he sees justice being done for others. And that smile mourns when he sees anyone treated unjustly. He lives in his heart for justice. I think he is probably one of the best embodiments of that frequently cited passage in Micah that reads, ''what does the Lord require of you but to do justice and to love mercy and to walk humbly with thy God''.

Judge Murguia fulfills that passage in Micah. For all these reasons, I am especially pleased to wholeheartedly commend to the Senate Judge Carlos Murguia nomination to the Federal district court.

Madam President, in that vein, I further ask unanimous consent that this nomination of Judge Murguia be confirmed, the motion to consider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

THE JUDICIARY

Carlos Murguia, of Kansas, to be United States District Judge for the District of Kansas.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 106–6 AND 106–7

Mr. BROWNBACK. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 8, 1999, by the President of the United States: International Convention for the Expression of Terrorist Bombings (Treaty Document No. 106–6); and Treaty with Dominican Republic for Return of Stolen or Embezzled Vehicles, with Annexes, (Treaty Document No. 106–7).

I further ask that the treaties be considered as having been read the first time, they be referred with accompanying papers to the Committee on Foreign Relations, and the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on

January 12, 1998. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

In recent years, we have witnessed an unprecedented and intolerable increase in acts of terrorism involving bombings in public places in various parts of the world. The United States initiated the negotiation of this convention in the aftermath of the June 1996 bombing attack on U.S. military personnel in Dhahran, Saudi Arabia, in which 17 U.S. Air Force personnel were killed as the result of a truck bombing. That attack followed other terrorist attacks including poison gas attacks in Tokyo's subways; bombing attacks by HAMAS in Tel Aviv and Jerusalem; and a bombing attack by the IRA in Manchester, England. Last year's terrorist attacks upon United States embassies in Nairobi and Dar es Salaam are recent examples of such bombings, and no country or region is exempt from the human tragedy and immense costs that result from such criminal acts. Although the penal codes of most states contain provisions proscribing these kinds of attacks, this Convention provides, for the first time, an international framework for cooperation among states directed toward prevention of such incidents and ensuing punishment of offenders, wherever found.

In essence, the Convention imposes binding legal obligations upon States Parties either to submit for prosecution or to extradite any person within their jurisdiction who commits an offense as defined in Article 2, attempts to commit such an act, participates as an accomplice, organizes or directs others to commit such an offense, or in any other way contributes to the commission of an offense by a group of persons acting with a common purpose. A State Party is subject to these obligations without regard to the place where the alleged act covered by Article 2 took place.

Article 2 of the Convention declares that any person commits an offense within the meaning of the Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility, with the intent (a) to cause death or serious bodily injury or (b) cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss. States Parties to the Convention will also be obligated to provide one another legal assistance in investigations or criminal or extradition proceedings brought in respect of the offenses set forth in Article 2.

The recommended legislation necessary to implement the Convention will be submitted to the Congress separately.

This Convention is a vitally important new element in the campaign against the scourge of international terrorism. I hope that all states will become Parties to this Convention, and that it will be applied universally. I recommend, therefore, that the Senate give early and favorable consideration to this Convention, subject to the understandings and reservation that are described in the accompanying State Department report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 8, 1999.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Dominican Republic for the Return of Stolen or Embezzled Vehicles, with Annexes, signed at Santo Domingo on April 30, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicles treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles that have been stolen or embezzled and taken to the Dominican Republic.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 8, 1999.*

TO INCREASE LEAVE TIME FOR FEDERAL EMPLOYEE ORGAN DONORS

Mr. BROWNBACK. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 264, H.R. 457.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 457) to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. I ask unanimous consent that the bill be considered read the third time, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 457) was considered read the third time and passed.

VETERANS BENEFITS ACT OF 1999

Mr. BROWNBACK. I ask that the Senate proceed to the consideration of Calendar No. 230, S. 1076.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1076) to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Benefits Act of 1999''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

Sec. 101. Adult day health care.
Sec. 102. In-home respite care services.

Subtitle B—Management of Medical Facilities and Property

Sec. 111. Enhanced-use lease authority.
Sec. 112. Designation of hospital bed replacement building at Department of Veterans Affairs medical center in Reno, Nevada, after Jack Streeter.

Subtitle C—Homeless Veterans

Sec. 121. Extension of program of housing assistance for homeless veterans.
Sec. 122. Homeless veterans comprehensive service programs.
Sec. 123. Authorizations of appropriations for homeless veterans' reintegration projects.
Sec. 124. Report on implementation of General Accounting Office recommendations regarding performance measures.

Subtitle D—Other Health Care Provisions

Sec. 131. Emergency health care in non-Department of Veterans Affairs facilities for enrolled veterans.
Sec. 132. Improvement of specialized mental health services for veterans.
Sec. 133. Treatment and services for drug or alcohol dependency.
Sec. 134. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.
Sec. 135. Extension of certain Persian Gulf War authorities.
Sec. 136. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.
Sec. 137. Reimbursement of medical expenses of veterans located in Alaska.
Sec. 138. Repeal of four-year limitation on terms of Under Secretary for Health and Under Secretary for Benefits.

Subtitle E—Major Medical Facility Projects Construction Authorization

Sec. 141. Authorization of major medical facility projects.

TITLE II—BENEFITS MATTERS

Sec. 201. Payment rate of certain burial benefits for certain Filipino veterans.

Sec. 202. Extension of authority to maintain a regional office in the Republic of the Philippines.
Sec. 203. Extension of Advisory Committee on Minority Veterans.
Sec. 204. Dependency and indemnity compensation for surviving spouses of former prisoners of war.
Sec. 205. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 206. Clarification of veterans employment opportunities.

TITLE III—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

Sec. 301. Short title.
Sec. 302. Persons eligible for burial in Arlington National Cemetery.
Sec. 303. Persons eligible for placement in the columbarium in Arlington National Cemetery.

Subtitle B—World War II Memorial

Sec. 311. Short title.
Sec. 312. Fund raising by American Battle Monuments Commission for World War II Memorial.
Sec. 313. General authority of American Battle Monuments Commission to solicit and receive contributions.
Sec. 314. Intellectual property and related items.

TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 401. Temporary service of certain judges of United States Court of Appeals for Veterans Claims upon expiration of their terms or retirement.
Sec. 402. Modified terms for certain judges of United States Court of Appeals for Veterans Claims.
Sec. 403. Temporary authority for voluntary separation incentives for certain judges on United States Court of Appeals for Veterans Claims.
Sec. 404. Definition.

SEC. 2. REFERENCES TO TITLE 38, 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 repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

SEC. 101. ADULT DAY HEALTH CARE.

Section 1720(f)(1)(A)(i) is amended by striking ''subsections (a) through (d) of this section'' and inserting ''subsections (b) through (d) of this section''.

SEC. 102. IN-HOME RESPITE CARE SERVICES.

Section 1720B(b) is amended—

(1) in the matter preceding paragraph (1), by striking ''or nursing home care'' and inserting '', nursing home care, or home-based care''; and

(2) in paragraph (2), by inserting ''or in the home of a veteran'' after ''in a Department facility''.

Subtitle B—Management of Medical Facilities and Property

SEC. 111. ENHANCED-USE LEASE AUTHORITY.

(a) MAXIMUM TERM OF LEASES.—Section 8162(b)(2) is amended by striking ''may not exceed—'' and all that follows through the end and inserting ''may not exceed 55 years.''.

(b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES RELATING TO LEASES.—Section 8162(b)(4) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) in the first sentence, by striking ''only''; and

(B) by striking the second sentence; and

(3) by adding at the end the following new subparagraph:

''(B) Any payment by the Secretary in contribution to capital activities on property that has been leased under this subchapter may be made from amounts appropriated to the Department for construction, minor projects.''.

(c) EXTENSION OF AUTHORITY.—Section 8169 is amended by striking ''December 31, 2001'' and inserting ''December 31, 2011''.

(d) TRAINING AND OUTREACH REGARDING AUTHORITY.—The Secretary of Veterans Affairs shall take appropriate actions to provide training and outreach to personnel at Department of Veterans Affairs medical centers regarding the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code. The training and outreach shall address methods of approaching potential lessees in the medical or commercial sectors regarding the possibility of entering into leases under that authority and other appropriate matters.

(e) INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR USE OF AUTHORITY.—(1) The Secretary shall take appropriate actions to secure from an appropriate entity independent of the Department of Veterans Affairs an analysis of opportunities for the use of the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code.

(2) The analysis under paragraph (1) shall include—

(A) a survey of the facilities of the Department for purposes of identifying Department property that presents an opportunity for lease under the enhanced-use lease authority;

(B) an assessment of the feasibility of entering into enhanced-use leases under that authority in the case of any property identified under subparagraph (A) as presenting an opportunity for such lease; and

(C) an assessment of the resources required at the Department facilities concerned, and at the Department Central Office, in order to facilitate the entering into of enhanced-used leases in the case of property so identified.

(3) If as a result of the survey under paragraph (2)(A) the entity determines that a particular Department property presents no opportunities for lease under the enhanced-use lease authority, the analysis shall include the entity's explanation of that determination.

(4) If as a result of the survey the entity determines that certain Department property presents an opportunity for lease under the enhanced-use lease authority, the analysis shall include a single integrated business plan, developed by the entity, that addresses the strategy and resources necessary to implement the plan for all property determined to present an opportunity for such lease.

(f) AUTHORITY FOR ENHANCED-USE LEASE OF PROPERTY UNDER BUSINESS PLAN.—(1) The Secretary may enter into an enhanced-use lease of any property identified as presenting an opportunity for such lease under the analysis under subsection (e) if such lease is consistent with the business plan under paragraph (4) of that subsection.

(2) The provisions of subchapter V of chapter 81 of title 38, United States Code, shall apply with respect to any lease under paragraph (1).

SEC. 112. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN RENO, NEVADA, AFTER JACK STREETER.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the ''Jack Streeter Building''. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

Subtitle C—Homeless Veterans

SEC. 121. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2001''.

SEC. 122. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.

(a) PURPOSES OF GRANTS.—Paragraph (1) of section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by inserting '', and expanding existing programs for furnishing,'' after ''new programs to furnish''.

(b) EXTENSION OF AUTHORITY TO MAKE GRANTS.—Paragraph (2) of that section is amended by striking ''September 30, 1999'' and inserting ''September 30, 2001''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting ''and $50,000,000 for each of fiscal years 2000 and 2001'' after ''for fiscal years 1993 through 1997''.

SEC. 123. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1) is amended by adding at the end the following:

''(H) $10,000,000 for fiscal year 2000.

''(I) $10,000,000 for fiscal year 2001.''.

SEC. 124. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.

(a) REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) OUTCOME MEASURES.—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

Subtitle D—Other Health Care Provisions

SEC. 131. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) DEFINITIONS.—Section 1701 is amended—

(1) in paragraph (6)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title.''; and

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

''(10) The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

''(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

''(B) serious impairment to bodily functions; or

''(C) serious dysfunction of any bodily organ or part.''.

(b) CONTRACT CARE.—Section 1703(a)(3) is amended by striking ''medical emergencies'' and all that follows through ''health of a veteran'' and inserting ''an emergency medical condition of a veteran who is enrolled under section 1705 of this title or who is''.

(c) REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.—Section 1728(a)(2) is amended—

(1) by striking ''or'' before ''(D)''; and

(2) by inserting before the semicolon at the end the following: '', or (E) for any emergency medical condition of a veteran enrolled under section 1705 of this title''.

(d) PAYMENT PRIORITY.—Section 1705 is amended by adding at the end the following new subsection:

''(d) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

SEC. 132. IMPROVEMENT OF SPECIALIZED MENTAL HEALTH SERVICES FOR VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 is amended by inserting after section 1712B the following new section:

''§ 1712C. Specialized mental health services

''(a) The Secretary shall carry out programs for purposes of enhancing the provision of specialized mental health services to veterans.

''(b) The programs carried out by the Secretary under subsection (a) shall include the following:

''(1) Programs relating to the treatment of Post Traumatic Stress Disorder (PTSD), including programs for—

''(A) the establishment and operation of additional outpatient and residential treatment facilities for Post Traumatic Stress Disorder in areas that are underserved by existing programs relating to Post Traumatic Stress Disorder, as determined by qualified mental health personnel of the Department who oversee such programs;

''(B) the provision of services in response to the specific needs of veterans with Post Traumatic Stress Disorder and related disorders, including short-term or long-term care services that combine residential treatment of Post Traumatic Stress Disorder;

''(C) the provision of Post Traumatic Stress Disorder or dedicated case management services on an outpatient basis; and

''(D) the enhancement of staffing of existing programs relating to Post Traumatic Stress Disorder which have exceeded the projected workloads for such programs.

''(2) Programs relating to substance use disorders, including programs for—

''(A) the establishment and operation of additional Department-based or community-based residential treatment facilities;

''(B) the expansion of the provision of opioid treatment services, including the establishment and operation of additional programs for the provision of opioid treatment services; and

''(C) the reestablishment or enhancement of substance use disorder services at facilities at which such services have been eliminated or curtailed, with an emphasis on the reestablishment or enhancement of services at facilities where demand for such services is high or which serve large geographic areas.

''(c)(1) The Secretary shall provide for the allocation of funds for the programs carried out under this section in a centralized manner.

''(2) The allocation of funds for such programs shall—

''(A) be based upon an assessment of the need for funds conducted by qualified mental health personnel of the Department who oversee such programs; and

''(B) emphasize, to the maximum extent practicable, the availability of funds for the programs described in paragraphs (1) and (2) of subsection (b).''.

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1712B the following new item:

''1712C. Specialized mental health services.''.

(b) REPORT.—(1) Not later than March 1 of each of 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to Congress a report on the programs carried out by the Secretary under section 1712C of title 38, United States Code (as added by subsection (a)).

(2) The report shall, for the period beginning on the date of the enactment of this Act and ending on the date of the report—

(A) describe the programs carried out under such section 1712C;

(B) set forth the number of veterans provided services under such programs; and

(C) set forth the amounts expended for purposes of carrying out such programs.

SEC. 133. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''may not be transferred'' and inserting ''may be transferred''; and

(B) by striking ''unless such transfer is during the last thirty days of such member's enlistment or tour of duty''; and

(2) in the first sentence of paragraph (2), by striking ''during the last thirty days of such person's enlistment period or tour of duty''.

SEC. 134. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking ''(1)'';

(2) by striking ''each designated health care region'' and inserting ''each Department health care facility'';

(3) by striking ''each region'' and inserting ''each facility'';

(4) by striking ''such region'' both places it appears and inserting ''such facility''; and

(4) by striking paragraph (2).

SEC. 135. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.

(a) THREE-YEAR EXTENSION OF NEWSLETTER ON MEDICAL CARE.—Section 105(b)(2) of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(b) THREE-YEAR EXTENSION OF PROGRAM FOR EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.—Section 107(b) of Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

SEC. 136. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center in Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

SEC. 137. REIMBURSEMENT OF MEDICAL EXPENSES OF VETERANS LOCATED IN ALASKA.

(a) PRESERVATION OF CURRENT REIMBURSEMENT RATES.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall, for purposes of reimbursing veterans in Alaska for medical expenses under section 1728 of title 38, United States Code, during the one-year period beginning on the date of the enactment of this Act, use the fee-for-service payment schedule in effect for such purposes on July 31, 1999, rather than the Participating Physician Fee Schedule under the Medicare program.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Health and Human Services shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report and recommendation on the use of the Participating Physician Fee Schedule under the Medicare program as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

(2) The report shall—

(A) assess the differences between health care costs in Alaska and health care costs in the continental United States;

(B) describe any differences between the costs of providing health care in Alaska and the reimbursement rates for the provision of health care under the Participating Physician Fee Schedule; and

(C) assess the effects on health care for veterans in Alaska of implementing the Participating Physician Fee Schedule as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

SEC. 138. REPEAL OF FOUR-YEAR LIMITATION ON TERMS OF UNDER SECRETARY FOR HEALTH AND UNDER SECRETARY FOR BENEFITS.

(a) UNDER SECRETARY FOR HEALTH.—Section 305 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) UNDER SECRETARY FOR BENEFITS.—Section 306 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to individuals appointed as Under Secretary for Health and Under Secretary for Benefits, respectively, on or after that date.

Subtitle E—Major Medical Facility Projects Construction Authorization

SEC. 141. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed $12,000,000.

(3) Construction of a surgical suite and post-anesthesia care unit at the Department of Veterans Affairs Medical Center, Kansas City, Missouri, in an amount not to exceed $13,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account $213,100,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3348).

(2) LIMITATION ON FISCAL YEAR 2000 PROJECTS.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999 PROJECTS.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;''.

TITLE II—BENEFITS MATTERS

SEC. 201. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking ''Payments'' and inserting ''Subject to subsection (c), payments''; and

(2) by adding at the end the following:

''(c)(1) In the case of an individual described in paragraph (2), payments under section 2302 or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of $1 for each dollar authorized.

''(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of the Veterans Benefits Act of 1999 if the individual, on the individual's date of death—

''(A) is a citizen of the United States;

''(B) is residing in the United States; and

''(C) either—

''(i) is receiving compensation under chapter 11 of this title; or

''(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.''.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

SEC. 202. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 203. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 204. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR.

(a) ELIGIBILITY.—Section 1318(b) is amended—

(1) by striking ''that either—'' in the matter preceding paragraph (1) and inserting ''rated totally disabling if—''; and

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

''(3) the veteran was a former prisoner of war who died after September 30, 1999, and whose disability was continuously rated totally disabling for a period of one year immediately preceding death.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (1)—

(A) by inserting ''the disability'' after ''(1)''; and

(B) by striking ''or'' after ''death;''; and

(2) in paragraph (2)—

(A) by striking ''if so rated for a lesser period, was so rated continuously'' and inserting ''the disability was continuously rated totally disabling''; and

(B) by striking the period at the end and inserting ''; or''.

SEC. 205. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

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

SEC. 206. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.

(a) CLARIFICATION.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105–339; 112 Stat. 3182), to which such amendments relate.

TITLE III—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ''Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999''.

SEC. 302. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding at the end the following new section:

''§ 2412. Arlington National Cemetery: persons eligible for burial

''(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) Any member of the Armed Forces who dies while on active duty.

''(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

''(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

''(A) served on active duty; and

''(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

''(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

''(A) Medal of Honor.

''(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

''(C) Distinguished Service Medal.

''(D) Silver Star.

''(E) Purple Heart.

''(5) Any former prisoner of war who dies on or after November 30, 1993.

''(6) The President or any former President.

''(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

''(A) Vice President.

''(B) Member of Congress.

''(C) Chief Justice or Associate Justice of the Supreme Court.

''(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

''(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

''(8) Any individual whose eligibility is authorized in accordance with subsection (b).

''(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1) In the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

''(2) In the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

''(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

''(4)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

''(B) Each report under subparagraph (A) shall—

''(i) identify the individual authorized for burial; and

''(ii) provide a justification for the authorization for burial.

''(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall publish in the Federal Register a notice of the authorization as soon as practicable after the authorization.

''(B) Each notice under subparagraph (A) shall—

''(i) identify the individual authorized for burial; and

''(ii) provide a justification for the authorization for burial.

''(c) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1)(A) Except as provided in subparagraph (B), the spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

''(B) In a case under subparagraph (A) in which the same gravesite may not be used due to insufficient space, a person otherwise eligible under that subparagraph may be interred in a gravesite adjoining the gravesite of the person listed in subsection (a) if space in such adjoining gravesite had been reserved for the burial of such person otherwise eligible under that subparagraph before January 1962.

''(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

''(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

''(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

''(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

''(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

''(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

''(d) SPOUSES.—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

''(e) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

''(f) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

''(g) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

''(h) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

''(i) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

''(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

''(j) DEFINITIONS.—For purposes of this section:

''(1) The term 'retired member of the Armed Forces' means—

''(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

''(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

''(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

''(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

''(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

''2412. Arlington National Cemetery: persons eligible for burial.''.

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) TECHNICAL AMENDMENTS.—Section 2402(7) is amended—

(1) by inserting ''(or but for age would have been entitled)'' after ''was entitled'';

(2) by striking ''chapter 67'' and inserting ''chapter 1223''; and

(3) by striking ''or would have been entitled to'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 303. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding after section 2412, as added by section 302(a)(1) of this Act, the following new section:

''§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

''(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

''(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

''(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

''(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

''(b) SPOUSE.—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 302(a)(2) of this Act, the following new item:

''2413. Arlington National Cemetery: persons eligible for placement in columbarium.''.

(b) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

Subtitle B—World War II Memorial

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''World War II Memorial Completion Act''.

SEC. 312. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 2113. World War II memorial in the District of Columbia

''(a) DEFINITIONS.—In this section:

''(1) The term 'World War II memorial' means the memorial authorized by Public Law 103–32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

''(2) The term 'Commission' means the American Battle Monuments Commission.

''(3) The term 'memorial fund' means the fund created by subsection (c).

''(b) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

''(c) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

''(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

''(B) Obligations obtained under paragraph (3).

''(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

''(D) Amounts borrowed using the authority provided under subsection (e).

''(E) Any funds received by the Commission under section 2103(l) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

''(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b).

The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

''(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

''(d) USE OF MEMORIAL FUND.—The memorial fund shall be available to the Commission for—

''(1) the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

''(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

''(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(l) of this title to aid or facilitate the construction of the World War II memorial.

''(e) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

''(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

''(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

''(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

''(f) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

''(g) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

''(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

''(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

''(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

''(h) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

''(i) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103–32 (107 Stat. 90) shall not expire until December 31, 2005.''.

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

''2113. World War II memorial in the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Public Law 103–32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103–32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

SEC. 313. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

''(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

''(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

''(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

''(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.''.

SEC. 314. INTELLECTUAL PROPERTY AND RELATED ITEMS.

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

''(l) INTELLECTUAL PROPERTY AND RELATED ITEMS.—(1) The Commission may—

''(A) adopt, use, register, and license trademarks, service marks, and other marks;

''(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

''(C) obtain, use, and license patents; and

''(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

''(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

''(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

''(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

''(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.''.

TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 401. TEMPORARY SERVICE OF CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS UPON EXPIRATION OF THEIR TERMS OR RETIREMENT.

(a) AUTHORITY FOR TEMPORARY SERVICE.—(1) Notwithstanding subsection (c) of section 7253 of title 38, United States Code, and subject to the provisions of this section, a judge of the Court whose term on the Court expires in 2004 or 2005 and completes such term, or who retires from the Court under section 7296(b)(1) of such title, may continue to serve on the Court after the expiration of the judge's term or retirement, as the case may be, without reappointment for service on the Court under such section 7253.

(2) A judge may continue to serve on the Court under paragraph (1) only if the judge submits to the chief judge of the Court written notice of an election to so serve 30 days before the earlier of—

(A) the expiration of the judge's term on the Court as described in that paragraph; or

(B) the date on which the judge meets the age and service requirements for eligibility for retirement set forth in section 7296(b)(1) of such title.

(3) The total number of judges serving on the Court at any one time, including the judges serving under this section, may not exceed 7.

(b) PERIOD OF TEMPORARY SERVICE.—(1) The service of a judge on the Court under this section may continue until the earlier of—

(A) the date that is 30 days after the date on which the chief judge of the Court submits to the President and Congress a written certification based on the projected caseload of the Court that the work of the Court can be performed in a timely and efficient manner by judges of the Court under this section who are

senior on the Court to the judge electing to continue to provide temporary service under this section or without judges under this section; or

(B) the date on which the person appointed to the position on the Court occupied by the judge under this section is qualified for the position.

(2) Subsections (f) and (g) of section 7253 of title 38, United States Code, shall apply with respect to the service of a judge on the Court under this section.

(c) TEMPORARY SERVICE IN OTHER POSITIONS.—(1) If on the date that the person appointed to the position on the Court occupied by a judge under this section is qualified another position on the Court is vacant, the judge may serve in such other position under this section.

(2) If two or more judges seek to serve in a position on the Court in accordance with paragraph (1), the judge senior in service on the Court shall serve in the position under that paragraph.

(d) COMPENSATION.—(1) Notwithstanding any other provision of law, a person whose service as a judge of the Court continues under this section shall be paid for the period of service under this section an amount as follows:

(A) In the case of a person eligible to receive retired pay under subchapter V of chapter 72 of title 38, United States Code, or a retirement annuity under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable, an amount equal to one-half of the amount of the current salary payable to a judge of the Court under chapter 72 of title 38, United States Code, having a status on the Court equivalent to the highest status on the Court attained by the person.

(B) In the case of a person not eligible to receive such retired pay or such retirement annuity, an amount equal to the amount of current salary payable to a judge of the Court under such chapter 72 having a status on the Court equivalent to the highest status on the Court attained by the person.

(2) Amounts paid under this subsection to a person described in paragraph (1)(A)—

(A) shall not be treated as—

(i) compensation for employment with the United States for purposes of section 7296(e) of title 38, United States Code, or any provision of title 5, United States Code, relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States; or

(ii) pay for purposes of deductions or contributions for or on behalf of the person to retired pay under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable; but

(B) may, at the election of the person, be treated as pay for purposes of deductions or contributions for or on behalf of the person to a retirement or other annuity, or both, under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(3) Amounts paid under this subsection to a person described in paragraph (1)(B) shall be treated as pay for purposes of deductions or contributions for or on behalf of the person to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(4) Amounts paid under this subsection shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(e) CREDITABLE SERVICE.—(1) The service as a judge of the Court under this section of a person who makes an election provided for under subsection (d)(2)(B) shall constitute creditable service toward the judge's years of judicial service for purposes of section 7297 of title 38, United States Code, with such service creditable at a rate equal to the rate at which such service would be creditable for such purposes if served by a judge of the Court under chapter 72 of that title.

(2) The service as a judge of the Court under this section of a person paid salary under subsection (d)(1)(B) shall constitute creditable service of the person toward retirement under subchapter V of chapter 72 of title 38, United States Code, or subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable.

(f) ELIGIBILITY FOR ADDITIONAL SERVICE.—The service of a person as a judge of the Court under this section shall not affect the eligibility of the person for appointment to an additional term or terms on the Court, whether in the position occupied by the person under this section or in another position on the Court.

(g) TREATMENT OF PARTY MEMBERSHIP.—For purposes of determining compliance with the last sentence of section 7253(b) of title 38, United States Code, the party membership of a judge serving on the Court under this section shall not be taken into account.

SEC. 402. MODIFIED TERMS FOR CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) MODIFIED TERMS.—Notwithstanding section 7253(c) of title 38, United States Code, the term of any judge of the Court who is appointed to a position on the Court that becomes vacant in 2004 shall be 13 years.

(b) ELIGIBILITY FOR RETIREMENT.—(1) For purposes of determining the eligibility to retire under section 7296 of title 38, United States Code, of a judge appointed as described in subsection (a)—

(A) the age and service requirements in the table in paragraph (2) shall apply to the judge instead of the age and service requirements in the table in subsection (b)(1) of that section that would otherwise apply to the judge; and

(B) the minimum years of service applied to the judge for eligibility to retire under the first sentence of subsection (b)(2) of that section shall be 13 years instead of 15 years.

(2) The age and service requirements in this paragraph are as follows:

The judge has attained age:	*And the years of service as a judge are at least*
65	*13*
66	*13*
67	*13*
68	*12*
69	*11*
70	*10*

SEC. 403. TEMPORARY AUTHORITY FOR VOLUNTARY SEPARATION INCENTIVES FOR CERTAIN JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) TEMPORARY AUTHORITY.—A voluntary separation incentive payment may be paid in accordance with this section to any judge of the Court described in subsection (c).

(b) AMOUNT OF INCENTIVE PAYMENT.—The amount of a voluntary separation incentive payment paid to a judge under this section shall be $25,000.

(c) COVERED JUDGES.—A voluntary separation incentive payment may be paid under this section to any judge of the Court who—

(1) meets the age and service requirements for retirement set forth in section 7296(b)(1) of title 38, United States Code, as of the date on which the judge retires from the Court;

(2) submits a notice of an intent to retire in accordance with subsection (d); and

(3) retires from the Court under that section not later than 30 days after the date on which the judge meets such age and service requirements.

(d) NOTICE OF INTENT TO RETIRE.—(1) A judge of the Court seeking payment of a voluntary separation incentive payment under this section shall submit to the President and Congress a timely notice of an intent to retire from the Court, together with a request for payment of the voluntary separation incentive payment.

(2) A notice shall be timely submitted under paragraph (1) only if submitted—

(A) not later than one year before the date of retirement of the judge concerned from the Court; or

(B) in the case of a judge whose retirement from the Court will occur less than one year after the date of the enactment of this Act, not later than 30 days after the date of the enactment of this Act.

(e) DATE OF PAYMENT.—A voluntary separation incentive payment may be paid to a judge of the Court under this section only upon the retirement of the judge from the Court.

(f) TREATMENT OF PAYMENT.—A voluntary separation incentive payment paid to a judge under this section shall not be treated as pay for purposes of contributions for or on behalf of the judge to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code.

(g) ELIGIBILITY FOR TEMPORARY SERVICE ON COURT.—A judge seeking payment of a voluntary separation incentive payment under this section may serve on the Court under section 401 if eligible for such service under that section.

(h) SOURCE OF PAYMENTS.—Amounts for voluntary separation incentive payments under this section shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(i) EXPIRATION OF AUTHORITY.—A voluntary separation incentive payment may not be paid under this section to a judge who retires from the Court after December 31, 2002.

SEC. 404. DEFINITION.

In this title, the term ''Court'' means the United States Court of Appeals for Veterans Claims.

Amend the title so as to read: ''A bill To amend title 38, United States Code, to enhance programs providing health care and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.''.

AMENDMENT NO. 1622

(Purpose: To improve the provisions relating to long-term health care for veterans and for other purposes)

Mr. BROWNBACK. Senators ROCKEFELLER and SPECTER have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. ROCKEFELLER and Mr. SPECTER, proposes an amendment numbered 1622.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SPECTER. Madam President, as chairman of the Senate Committee on Veterans' Affair, I am pleased to report to the Senate on the features of S. 1076, the ''Veterans Benefits Act of 1999,'' as amended. This is a very important bill, and I direct the Senate's attention to some of its more salient features.

As is explained in detail in the Committee Report which accompanies this legislation, S. 1076 would improve and enhance the ability of the Department of Veterans Affairs (VA) to address a variety of the needs of the Nation's veterans. It would enhance VA's ability to provide long term care services to

aging veterans, and housing, training and other services to homeless veterans. It would extend VA programs to provide outreach and medical monitoring services to Persian Gulf War veterans and their families. It would improve and expand VA's authority to enter into ''enhanced use leases''—leases which permit VA to more effectively manage its large and costly infrastructure—and it would authorize needed construction projects. Further, S. 1076 would improve benefits provided to institutionalized veterans, to the survivors of former prisoners of war, and to certain Filipino veterans. Finally, it would clarify and codify standards governing burial in Arlington National Cemetery and provide statutory authority needed to permit the timely construction in Washington of a World War II Memorial.

One matter that has not yet been resolved prior to the reporting of this bill—how proposed pilot programs to provide long term care and assisted living services to veterans ought to be structured—merits explanation now. The Ranking Minority Member of the Committee, Senator Rockefeller, and I have now resolved that matter and our agreement is reflected in an amendment to the bill that we offer jointly today. As amended, S. 1076 would instruct VA to initiate pilot programs to provide veterans long term care and assisted living services.

The long term care pilot programs mandated by this legislation would require that VA—without interrupting current services—provide and report on long term care services offered in separate VA ''designated health care regions'' (Veterans Integrated Service Networks or ''VISNs'' under VA's current organizational structure) using three models: an ''in house'' model; a community-based cooperative model; and a model representing a hybrid of the VA-staffed and community-based approaches. We hope to demonstrate that VA can offer the Nation a meaningful methodology for managing comprehensive care to an aging clientele, and identify the model or models by which such care can be provided most cost-effectively.

The second pilot program mandated by this legislation would direct VA to develop an appropriate model for furnishing assisted living services to veterans, as recommended by the Federal Advisory Committee on Long Term Care. This pilot program would empower VA to provide services to aged and disabled veterans in their homes or in other residential settings to assist them with their activities of daily living—and to assist them in avoiding or deferring more costly hospital or nursing home care. The Ranking Member and I hope to thrust VA into the forefront of this growing and challenging field of health care and foster the development of new and cost-effective solutions to challenges which all aging Americans face.

I urge the immediate passage of this bill as amended. And I thank the Senate for its attention to the needs of the Nation's veterans.

Mr. ROCKEFELLER. Madam President, as ranking member of the Senate Committee on Veterans' Affairs, I am pleased to support this comprehensive bill, which would make valuable changes to a wide range of veterans' benefits and services.

The bill we consider today, S. 1076, the Veterans Benefits Act of 1999, addresses many initiatives—from ensuring that the surviving spouses of ex-POW's will be provided for compensated to furnishing job training to homeless veterans. I will mention here only a few of the issues which are of particular interest to me.

The first is long-term care for veterans.

S. 1076, as amended, represents a comprehensive effort to address the long-term care needs of our veterans. Title I includes provisions based on the ''Veterans' Long-Term Care Enhancement Act of 1999,'' which I introduced earlier in the session. In my view, we must take a first step to reach out to veterans who presently need long-term care services, or will in the future. I am glad that we have done so.

At the outset, I want to say that my wish would be for VA to provide long-term care to all veterans who need and want it. While the provisions now included in S. 1076 are only one step toward determining what VA should be doing to meet the needs of veterans for long-term care, I believe that it is an important step in that regard.

There is no doubt that demand for long-term care—for veterans and non-veterans alike—is increasing. In the Department of Veterans Affairs (VA), however, we face an even more pressing demand.

I am proud of VA's work in responding to current demand for long-term care services. VA has developed geriatric evaluation teams, home-based primary care, and adult day health care—all cost-effective ways to assess and care for veterans. But to quote from the Report of the Federal Advisory Committee on the Future of VA Long-Term Care, despite VA's high quality and long tradition, ''VA long-term care is marginalized and unevenly funded.''

There are three key elements to Subtitle A of Title I. The first includes provisions which clarify that long-term care is not only nursing home care, and that existing differences in law between eligibility for institutional long-term care and other types of care offered by VA do not affect VA's ability to furnish a full array of noninstitutional long-term care services.

Specifically, the provision would add ''noninstitutional extended care services'' to the definition of ''medical services,'' thereby removing any doubt about VA's authority to furnish such services to veterans enrolled in VA care. The term would be defined to include the following: home-based primary care; adult day health care; respite care; palliative and end-of-life care; and homemaker or home health care aide visits. Veterans would have unfettered access to these needed and cost-effective long-term care services.

Second, S. 1076, as amended, would add clear authority for VA to furnish assisted living services, including to the spouses of veterans. VA already furnishes a form of assisted living services through its domiciliary care program, but the provisions in the bill would provide express authority to furnish this modality of care to older veterans within the confines of a demonstration project at a Veterans Integrated Service Network.

The Report of the Federal Advisory Committee on the Future of VA Long-Term Care specifically notes that while many state programs are moving in the direction of assisted living—to cut costs and to provide the most appropriate level of care—VA cannot do so. The results of the demonstration project will provide VA and Congress with a rational basis from which to proceed to authorize assisted living for all veterans.

Third, VA would be mandated to carry out a series of pilot programs, over a period of 3 years, which would be designed to gauge the best way for VA to meet veterans' long-term care needs—either directly, through cooperative arrangements with community providers, or by purchasing services from non-VA providers.

While VA has developed significant expertise in long-term care over the past 20-plus years, it has not done so with any mandate to share its learning with others, nor has it pushed its program development beyond that which met the current needs at the time. Some experts even believe that VA's expertise is gradually eroding.

For VA's expertise to be of greatest use to others, it needs both to better capture what it has done and to develop new learning that would be most applicable to other health care entities. Those who would benefit by further action to develop and capitalize on VA's long-term care expertise include older veterans, primarily our honored World War II veterans; those health organizations, including academic medicine and research entities, with which VA is now connected; and finally, the rest of the U.S. health care system, and ultimately all Americans who will need some form of long-term care services.

Each element of the pilot program would establish and carry out a comprehensive long-term care program, with a full array of services, ranging from inpatient long-term care—in intermediate care beds, nursing homes, and domiciliary care facilities—to comprehensive noninstitutional services, which include hospital-based home care, adult day health care, respite care, and other community-base interventions.

In each element of the pilot programs, VA would also be mandated to furnish case management services to

ensure that veterans participating in the pilot programs receive the optimal treatment and placement for services. Preventive health care services, such as screening and patient education, and a particular focus on end-of-life care are also emphasized. In my view, VA must have ready access to all of these services.

Finally, a key purpose of the pilot program would be to test and evaluate various approaches to meeting the long-term care needs of eligible veterans, both to develop approaches that could be expanded across VA, as well as to demonstrate to others outside of VA the effectiveness and impact of various approaches to long-term care. To this end, the pilot program within S. 1076 would include specific data collection on matters such as cost effectiveness, quality of health care services provided, enrollee and health care provider satisfaction, and the ability of participants to carry out basic activities of daily living.

I look forward to working with the chairman and the members of the Committee on Veterans' Affairs in the House of Representatives to advance the cause of long-term care in VA. And I thank Senator SPECTER for his willingness to undertake these advancements in veterans' long-term care programs.

Another major issue of great interest to me which S. 1076 addresses are specialized mental health services for veterans.

Last year, I directed my staff on the Committee on Veterans' Affairs to undertake a study of the services the Department of Veterans Affairs offers to veterans with special needs. Earlier this summer, I released the report my Committee staff wrote based on their 8-month oversight investigation, which sought to determine if VA is complying with a Congressional mandate to maintain capacity in five of the specialized programs: Prosthetics and Sensory Aids Services, Blind Rehabilitation, Spinal Cord Injury (SCI), Post-Traumatic Stress Disorders (PTSD), and Substance Use Disorders.

In summary, my staff determined that field personnel have just barely been able to maintain the level of services in the Prosthetics, Blind Rehabilitation, and SCI programs, but that the PTSD and substance use disorder programs are not being maintained in accordance with the mandates in law. Because of staff and funding reductions, and the resulting increases in workloads and excessive waiting times, the latter two programs are failing to sustain services at the needed levels.

This is particularly troubling because from its inception, the Department of Veterans Affairs' health care system has developed widely recognized expertise in providing services to meet the special needs of veterans with spinal cord injuries, amputations, blindness, and post-traumatic stress disorder.

With specific regard to PTSD, VA has been moving to reduce inpatient treatment of PTSD, while expanding its use of outpatient programs. VA's decision has been fueled in part by studies of the cost effectiveness of various treatment approaches. The potential to stretch limited VA dollars to be able to treat more veterans is appealing. However, VA needs to be cautious before subscribing to the idea that outpatient care is as good as inpatient care for all veterans with PTSD. For some of the more seriously affected veterans—who have not succeeded in shorter inpatient or outpatient programs, are homeless or unemployed, or have dual diagnoses—longer inpatient or bed-based care may be a necessity.

Substance use disorders also present complex treatment problems and have taken perhaps the hardest hit of all the specialized programs. It is not surprising that treatment has shifted from an emphasis on inpatient to outpatient care. Some substance use disorder programs have terminated inpatient treatment completely, except for veterans requiring short detoxifications in extreme situations. while some medical centers have closed inpatient substance use disorder beds, they have worked to provide alternative, sheltered living arrangements. Unfortunately, not all facilities have made these efforts. Many have moved directly to the closure of inpatient units without first developing these other alternatives.

Section 132 of S. 1076, as amended, mandates that the Secretary of Veterans Affairs carry out programs to enhance the provision of specialized mental health services to veterans. The ''Veterans Benefits Act of 1999'' specifically targets services for those afflicted with PTSD and substance use disorders. The legislation before us also requires that funding will be available, in a centralized manner, to fund proposals from the Veterans Integrated Service Networks and the individual facilities to provide specialized mental health services. Qualified mental health personnel at the VA who oversee these programs shall conduct an assessment of need for the funds.

I must stress that these provisions are not aimed at rebuilding the traditional inpatient infrastructure. Instead, the focus is on expanding outpatient and residential treatment facilities, developing better case management, and generally improving the availability of services.

In my view, VA's mental health treatment programs, in general, have been eroded to the point that veterans in some areas of the country are suffering needlessly. That is why I am so pleased that S. 1076 includes provisions to prompt VA to begin to rebuild some of what has been lost.

The third major issue of particular concern to me which S. 1076 addresses is emergency care for veterans. I am very pleased that it includes provisions drawn directly from the ''Veterans' Access to Emergency Care Act of 1999,'' which would authorize VA to cover emergency care at non-VA facilities for those veterans who have enrolled with VA for their health care. I thank my colleague, Senator DASCHLE, for his leadership on this issue.

While VA provides a very generous standard benefits package for all veterans who are enrolled with the VA for their health care, enrolled veterans do not have comprehensive emergency care. This is a serious gap in coverage for veterans, as large and unexpected emergency medical care bills can present a significant financial burden. That is why I offered this proposal at a Committee meeting. I am gratified that my colleagues on the Committee chose to support it.

Coverage of emergency care services for all veterans is supported by the consortium of veterans services organizations that authored the Independent Budget for Fiscal Year 2000—AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars. The concept is also included in the Administration's FY 2000 budget request for VA and the Consumer Bill of Rights, which President Clinton has directed every federal agency engaged in managing or delivering health care to adopt.

To quote from the Consumer Bill of rights:

> Consumers have the right to access emergency health care services when and where the need arises. Health plans should provide payment when a consumer presents to an emergency department with acute symptoms of sufficient severity—including severe pain—such that a ''prudent layperson'' could reasonably expect the absence of medical attention to result in placing their health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

S. 1076 adopts this ''prudent layperson'' standard, which is intended to protect both the veteran and the VA.

I look forward to working with my colleagues on the House Committees on Veterans' Affairs to make this proposal a reality. Through their service to our country, our veterans have earned comprehensive, high quality health care, and that must include emergency care, as well.

The final issue contained in S. 1076 to which I wish to draw attention is a provision to improve VA's enhanced use lease authority, because I believe it is a critical component of VA's management strategy for its property. Many terrific projects that better serve veterans and assist the VA have been developed under this authority. I believe it is vital for VA to develop more enhanced use lease projects to leverage its assets, before it begins to dispose of irreplaceable property. I thank Senator Specter for accepting these provisions.

Since VA received enhanced use authority, it has been used to lease land to companies that build nursing homes where VA can place veterans at discounted rates, resulting in savings of millions of dollars. Another use has been to provide transitional housing for homeless veterans. Other projects

have created reliable child care and adult day care facilities for VA employees' families, so that they can care for veterans without having to worry about the health and safety of their loved ones. In other locations, VA regional offices are moving onto VA medical center campuses, resulting in more convenient access for veterans and better cooperation between the Veterans Benefits Administration and the Veterans Health Administration.

Section 111 of S. 1076 would remove many of the current barriers preventing VA from having an even more successful enhanced use lease program. It would allow VA to enter into leases of up to 55-year terms, rather than the current 20 and 35 years, while eliminating the distinction in lease terms that exists between leases involving new construction or substantial renovation, and those involving current structures. Section 111 would also authorize VA to use appropriated funds from its minor construction account for contributions to capital activities in order to secure the best lease terms possible.

Current authority for VA to enter into enhanced use leases is set to expire on December 31, 2001. Projects that are currently in development face the possibility of negotiations not being completed prior to the expiration date. Therefore, S. 1076 extends VA's authority by a sufficient length of time—until December 31, 2011—so as not to chill negotiations in the near future.

I am very interested in seeing VA engage in more of these projects, so I am pleased to see that S. 1076 would require the Secretary to provide training and outreach regarding enhanced use leasing to personnel at VA medical centers. The bill also requires the Secretary to contract for an independent assessment of opportunities for enhanced use leases. This assessment would include a survey of suitable facilities, a determination of the feasibility of projects at those facilities, and an analysis of the resources required to enter into a lease. I hope that more training—which until now has been sporadic and primarily on a by-request basis—and a more systematic and centralized approach would assist the VA in maximizing its enhanced use lease opportunities.

In conclusion, I believe that S. 1076 represents a real step forward in providing veterans with the type of care that they require, and in giving VA the legislative tools to carry out that care—be it emergency care, long-term care, or specialized mental health treatment. When Congress passed VA health care eligibility reform in 1996, we told veterans that VA would be their comprehensive health care provider; but since its enactment, we have found significant limitations and barriers to providing the types of care veterans need. S. 1076 tears down many of those barriers.

I urge my colleagues in the House to carefully examine these critical provisions and to work with Senator SPECTER and me to implement them. America's veterans deserve nothing less.

Mr. CLELAND. Mr. President, I am very pleased to endorse S. 1076, the Veterans' Benefit Act of 1999. I want to thank the distinguished Chairman and Ranking Member of the Senate Committee on Veterans' Affairs for all their hard work to maintain and enhance veterans' benefits and for including the much needed construction renovation at the Atlanta VA Medical Center. Senators SPECTOR and ROCKEFELLER have provided excellent leadership during these challenging times of matching current budget levels with the provision of promised benefits.

The Atlanta VA Medical Center renovation will be critical to providing care for all of our veterans, men and women, in the new millennium. S. 1076 proposes other needed benefits in the areas of service-connected disability compensation, health and education, medical facility construction and burial entitlements.

Again, I salute the work of Senate Veterans' Committee and I am pleased to support S. 1076.

Mr. BROWNBACK. I ask unanimous consent that the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 1622) was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 1076), as amended, was considered read the third time, and passed, as follows:

S. 1076

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 ''Veterans Benefits Act of 1999''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

Sec. 101. Continuum of care for veterans.
Sec. 102. Pilot programs relating to long-term care of veterans.
Sec. 103. Pilot program relating to assisted living services.

Subtitle B—Management of Medical Facilities and Property

Sec. 111. Enhanced-use lease authority.
Sec. 112. Designation of hospital bed replacement building at Department of Veterans Affairs medical center in Reno, Nevada, after Jack Streeter.

Subtitle C—Homeless Veterans

Sec. 121. Extension of program of housing assistance for homeless veterans.
Sec. 122. Homeless veterans comprehensive service programs.
Sec. 123. Authorizations of appropriations for homeless veterans' reintegration projects.
Sec. 124. Report on implementation of General Accounting Office recommendations regarding performance measures.

Subtitle D—Other Health Care Provisions

Sec. 131. Emergency health care in non-Department of Veterans Affairs facilities for enrolled veterans.
Sec. 132. Improvement of specialized mental health services for veterans.
Sec. 133. Treatment and services for drug or alcohol dependency.
Sec. 134. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.
Sec. 135. Extension of certain Persian Gulf War authorities.
Sec. 136. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.
Sec. 137. Reimbursement of medical expenses of veterans located in Alaska.
Sec. 138. Repeal of four-year limitation on terms of Under Secretary for Health and Under Secretary for Benefits.

Subtitle E—Major Medical Facility Projects Construction Authorization

Sec. 141. Authorization of major medical facility projects.

TITLE II—BENEFITS MATTERS

Sec. 201. Payment rate of certain burial benefits for certain Filipino veterans.
Sec. 202. Extension of authority to maintain a regional office in the Republic of the Philippines.
Sec. 203. Extension of Advisory Committee on Minority Veterans.
Sec. 204. Dependency and indemnity compensation for surviving spouses of former prisoners of war.
Sec. 205. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 206. Clarification of veterans employment opportunities.

TITLE III—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

Sec. 301. Short title.
Sec. 302. Persons eligible for burial in Arlington National Cemetery.
Sec. 303. Persons eligible for placement in the columbarium in Arlington National Cemetery.

Subtitle B—World War II Memorial

Sec. 311. Short title.
Sec. 312. Fund raising by American Battle Monuments Commission for World War II Memorial.
Sec. 313. General authority of American Battle Monuments Commission to solicit and receive contributions.
Sec. 314. Intellectual property and related items.

TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 401. Temporary service of certain judges of United States Court of Appeals for Veterans Claims upon expiration of their terms or retirement.
Sec. 402. Modified terms for certain judges of United States Court of Appeals for Veterans Claims.

Sec. 403. Temporary authority for voluntary separation incentives for certain judges on United States Court of Appeals for Veterans Claims.
Sec. 404. Definition.

SEC. 2. REFERENCES TO TITLE 38, 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 repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

SEC. 101. CONTINUUM OF CARE FOR VETERANS.

(a) INCLUSION OF NONINSTITUTIONAL EXTENDED CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.—Section 1701 is amended—

(1) in paragraph (6)(A)(i), by inserting ''noninstitutional extended care services,'' after ''preventive health services,''; and

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

''(10) The term 'noninstitutional extended care services' includes—

''(A) home-based primary care;

''(B) adult day health care;

''(C) respite care;

''(D) palliative and end-of-life care; and

''(E) home health aide visits.

''(11) The term 'respite care' means hospital care, nursing home care, or residence-based care which—

''(A) is of limited duration;

''(B) is furnished in a Department facility or in the residence of an individual on an intermittent basis to an individual who is suffering from a chronic illness and who resides primarily at that residence; and

''(C) is furnished for the purpose of helping the individual to continue residing primarily at that residence.''.

(b) CONFORMING AMENDMENTS TO TITLE 38.—(1)(A) Section 1720 is amended by striking subsection (f).

(B) The section heading of such section is amended by striking ''**; adult day health care**''.

(2) Section 1720B is repealed.

(3) Chapter 17 is further amended by redesignating sections 1720C, 1720D, and 1720E as sections 1720B, 1720C, and 1720D, respectively.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 17 is amended—

(1) in the item relating to section 1720, by striking ''; adult day health care''; and

(2) by striking the items relating to sections 1720B, 1720C, 1720D, and 1720E and inserting the following:

''1720B. Noninstitutional alternatives to nursing home care.
''1720C. Counseling and treatment for sexual trauma.
''1720D. Nasopharyngeal radium irradiation.''.

(d) ADDITIONAL CONFORMING AMENDMENT.—Section 101(g)(2) of the Veterans Health Programs Extension Act of 1994 (Public Law 103–452; 108 Stat. 4785; 38 U.S.C. 1720D note) is amended by striking ''section 1720D'' both places it appears and inserting ''section 1720C''.

SEC. 102. PILOT PROGRAMS RELATING TO LONG-TERM CARE OF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out three pilot programs for the purpose of determining the feasibility and practicability of a variety of methods of meeting the long-term care needs of eligible veterans. The pilot programs shall be carried out in accordance with the provisions of this section.

(b) LOCATIONS OF PILOT PROGRAMS.—(1) Each pilot program under this section shall be carried out in two designated health care regions of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(2) In selecting designated health care regions of the Department for purposes of a particular pilot program, the Secretary shall, to the maximum extent practicable, select designated health care regions containing a medical center or medical centers whose current circumstances and activities most closely mirror the circumstances and activities proposed to be achieved under such pilot program.

(3) The Secretary may not carry out more than one pilot program in any given designated health care region of the Department.

(c) SCOPE OF SERVICES UNDER PILOT PROGRAMS.—(1) The services provided under the pilot programs under this section shall include a comprehensive array of health care services and other services that meet the long-term care needs of veterans, including—

(A) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(B) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care.

(2) As part of the provision of services under the pilot programs, the Secretary shall also provide appropriate case management services.

(3) In providing services under the pilot programs, the Secretary shall emphasize the provision of preventive care services, including screening and education.

(4) The Secretary may provide health care services or other services under the pilot programs only if the Secretary is otherwise authorized to provide such services by law.

(d) DIRECT PROVISION OF SERVICES.—Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans directly through facilities and personnel of the Department of Veterans Affairs.

(e) PROVISION OF SERVICES THROUGH COOPERATIVE ARRANGEMENTS.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through a combination (as determined by the Secretary) of—

(A) services provided under cooperative arrangements with appropriate public and private non-Governmental entities, including community service organizations; and

(B) services provided through facilities and personnel of the Department.

(2) The consideration provided by the Secretary for services provided by entities under cooperative arrangements under paragraph (1)(A) shall be limited to the provision by the Secretary of appropriate in-kind services to such entities.

(f) PROVISION OF SERVICES BY NON-DEPARTMENT ENTITIES.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through arrangements with appropriate non-Department entities under which arrangements the Secretary acts solely as the case manager for the provision of such services.

(2) Payment for services provided to veterans under the pilot programs under this subsection shall be made by the Department to the extent that payment for such services is not otherwise provided by another government or non-government entity.

(g) DATA COLLECTION.—As part of the pilot programs under this section, the Secretary shall collect data regarding—

(1) the cost-effectiveness of such programs and of other activities of the Department for purposes of meeting the long-term care needs of eligible veterans, including any cost advantages under such programs and activities when compared with the Medicare program, Medicaid program, or other Federal program serving similar populations;

(2) the quality of the services provided under such programs and activities;

(3) the satisfaction of participating veterans, non-Department, and non-Government entities with such programs and activities; and

(4) the effect of such programs and activities on the ability of veterans to carry out basic activities of daily living over the course of such veterans' participation in such programs and activities.

(h) REPORT.—(1) Not later than six months after the completion of the pilot programs under subsection (i), the Secretary shall submit to Congress a report on the health services and other services furnished by the Department to meet the long-term care needs of eligible veterans.

(2) The report under paragraph (1) shall—

(A) describe the comprehensive array of health services and other services furnished by the Department under law to meet the long-term care needs of eligible veterans, including—

(i) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(ii) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care;

(B) describe the case management services furnished as part of the services described in subparagraph (A) and assess the role of such case management services in ensuring that eligible veterans receive services to meet their long-term care needs; and

(C) in describing services under subparagraphs (A) and (B), emphasize the role of preventive services in the furnishing of such services.

(i) DURATION OF PROGRAMS.—(1) The Secretary shall commence carrying out the pilot programs required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot programs shall cease on the date that is three years after the date of the commencement of the pilot programs under paragraph (1).

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE VETERAN.—The term ''eligible veteran'' means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) LONG-TERM CARE NEEDS.—The term ''long-term care needs'' means the need by an individual for any of the following services:

(A) Hospital care.

(B) Medical services.

(C) Nursing home care.

(D) Case management and other social services.

(E) Home and community based services.

SEC. 103. PILOT PROGRAM RELATING TO ASSISTED LIVING SERVICES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the purpose of determining the feasibility and practicability of providing assisted living services to eligible veterans. The pilot program shall be carried out in accordance with this section.

(b) LOCATION.—The pilot program under this section shall be carried out at a designated health care region of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(c) SCOPE OF SERVICES.—(1) Subject to paragraph (2), the Secretary shall provide assisted living services under the pilot program to eligible veterans.

(2) Assisted living services may not be provided under the pilot program to a veteran eligible for care under section 1710(a)(3) of title 38, United States Code, unless such veteran agrees to pay the United States an amount equal to the amount determined in accordance with the provisions of section 1710(f) of such title.

(3) Assisted living services may also be provided under the pilot program to the spouse of an eligible veteran if—

(A) such services are provided coincidentally with the provision of identical services to the veteran under the pilot program; and

(B) such spouse agrees to pay the United States an amount equal to the cost, as determined by the Secretary, of the provision of such services.

(d) REPORTS.—(1) The Secretary shall annually submit to Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program under this section. The report shall include a detailed description of the activities under the pilot program during the one-year period ending on the date of the report and such other matters as the Secretary considers appropriate.

(2)(A) In addition to the reports required by paragraph (1), not later than 90 days before concluding the pilot program under this section, the Secretary shall submit to the committees referred to in that paragraph a final report on the pilot program.

(B) The report on the pilot program under this paragraph shall include the following:

(i) An assessment of the feasibility and practicability of providing assisted living services for veterans and their spouses.

(ii) A financial assessment of the pilot program, including a management analysis, cost-benefit analysis, Department cash-flow analysis, and strategic outlook assessment.

(iii) Recommendations, if any, regarding an extension of the pilot program, including recommendations regarding the desirability of authorizing or requiring the Secretary to seek reimbursement for the costs of the Secretary in providing assisted living services in order to reduce demand for higher-cost nursing home care under the pilot program.

(iv) Any other information or recommendations that the Secretary considers appropriate regarding the pilot program.

(e) DURATION.—(1) The Secretary shall commence carrying out the pilot program required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot program shall cease on the date that is three years after the date of the commencement of the pilot program under paragraph (1).

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE VETERAN.—The term ''eligible veteran'' means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) ASSISTED LIVING SERVICES.—The term ''assisted living services'' means services which provide personal care, activities, health-related care, supervision, and other assistance on a 24-hour basis within a residential or similar setting which—

(A) maximizes flexibility in the provision of such care, activities, supervision, and assistance;

(B) maximizes the autonomy, privacy, and independence of an individual; and

(C) encourages family and community involvement with the individual.

Subtitle B—Management of Medical Facilities and Property

SEC. 111. ENHANCED-USE LEASE AUTHORITY.

(a) MAXIMUM TERM OF LEASES.—Section 8162(b)(2) is amended by striking ''may not exceed—'' and all that follows through the end and inserting ''may not exceed 55 years.''.

(b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES RELATING TO LEASES.—Section 8162(b)(4) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) in the first sentence, by striking ''only''; and

(B) by striking the second sentence; and

(3) by adding at the end the following new subparagraph:

''(B) Any payment by the Secretary in contribution to capital activities on property that has been leased under this subchapter may be made from amounts appropriated to the Department for construction, minor projects.''.

(c) EXTENSION OF AUTHORITY.—Section 8169 is amended by striking ''December 31, 2001'' and inserting ''December 31, 2011''.

(d) TRAINING AND OUTREACH REGARDING AUTHORITY.—The Secretary of Veterans Affairs shall take appropriate actions to provide training and outreach to personnel at Department of Veterans Affairs medical centers regarding the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code. The training and outreach shall address methods of approaching potential lessees in the medical or commercial sectors regarding the possibility of entering into leases under that authority and other appropriate matters.

(e) INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR USE OF AUTHORITY.—(1) The Secretary shall take appropriate actions to secure from an appropriate entity independent of the Department of Veterans Affairs an analysis of opportunities for the use of the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code.

(2) The analysis under paragraph (1) shall include—

(A) a survey of the facilities of the Department for purposes of identifying Department property that presents an opportunity for lease under the enhanced-use lease authority;

(B) an assessment of the feasibility of entering into enhanced-use leases under that authority in the case of any property identified under subparagraph (A) as presenting an opportunity for such lease; and

(C) an assessment of the resources required at the Department facilities concerned, and at the Department Central Office, in order to facilitate the entering into of enhanced-used leases in the case of property so identified.

(3) If as a result of the survey under paragraph (2)(A) the entity determines that a particular Department property presents no opportunities for lease under the enhanced-use lease authority, the analysis shall include the entity's explanation of that determination.

(4) If as a result of the survey the entity determines that certain Department property presents an opportunity for lease under the enhanced-use lease authority, the analysis shall include a single integrated business plan, developed by the entity, that addresses the strategy and resources necessary to implement the plan for all property determined to present an opportunity for such lease.

(f) AUTHORITY FOR ENHANCED-USE LEASE OF PROPERTY UNDER BUSINESS PLAN.—(1) The Secretary may enter into an enhanced-use lease of any property identified as presenting an opportunity for such lease under the analysis under subsection (e) if such lease is consistent with the business plan under paragraph (4) of that subsection.

(2) The provisions of subchapter V of chapter 81 of title 38, United States Code, shall apply with respect to any lease under paragraph (1).

SEC. 112. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN RENO, NEVADA, AFTER JACK STREETER.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the ''Jack Streeter Building''. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

Subtitle C—Homeless Veterans

SEC. 121. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2001''.

SEC. 122. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.

(a) PURPOSES OF GRANTS.—Paragraph (1) of section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by inserting '', and expanding existing programs for furnishing,'' after ''new programs to furnish''.

(b) EXTENSION OF AUTHORITY TO MAKE GRANTS.—Paragraph (2) of that section is amended by striking ''September 30, 1999'' and inserting ''September 30, 2001''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting ''and $50,000,000 for each of fiscal years 2000 and 2001'' after ''for fiscal years 1993 through 1997''.

SEC. 123. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1) is amended by adding at the end the following:

''(H) $10,000,000 for fiscal year 2000.

''(I) $10,000,000 for fiscal year 2001.''.

SEC. 124. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.

(a) REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) OUTCOME MEASURES.—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

Subtitle D—Other Health Care Provisions

SEC. 131. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) DEFINITIONS.—Section 1701 is amended—

(1) in paragraph (6)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title.''; and

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

''(10) The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

''(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

''(B) serious impairment to bodily functions; or

''(C) serious dysfunction of any bodily organ or part.''.

(b) CONTRACT CARE.—Section 1703(a)(3) is amended by striking ''medical emergencies'' and all that follows through ''health of a veteran'' and inserting ''an emergency medical condition of a veteran who is enrolled under section 1705 of this title or who is''.

(c) REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.—Section 1728(a)(2) is amended—

(1) by striking ''or'' before ''(D)''; and

(2) by inserting before the semicolon at the end the following: '', or (E) for any emergency medical condition of a veteran enrolled under section 1705 of this title''.

(d) PAYMENT PRIORITY.—Section 1705 is amended by adding at the end the following new subsection:

''(d) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

SEC. 132. IMPROVEMENT OF SPECIALIZED MENTAL HEALTH SERVICES FOR VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 is amended by inserting after section 1712B the following new section:

''§ 1712C. Specialized mental health services

''(a) The Secretary shall carry out programs for purposes of enhancing the provision of specialized mental health services to veterans.

''(b) The programs carried out by the Secretary under subsection (a) shall include the following:

''(1) Programs relating to the treatment of Post Traumatic Stress Disorder (PTSD), including programs for—

''(A) the establishment and operation of additional outpatient and residential treatment facilities for Post Traumatic Stress Disorder in areas that are underserved by existing programs relating to Post Traumatic Stress Disorder, as determined by qualified mental health personnel of the Department who oversee such programs;

''(B) the provision of services in response to the specific needs of veterans with Post Traumatic Stress Disorder and related disorders, including short-term or long-term care services that combine residential treatment of Post Traumatic Stress Disorder;

''(C) the provision of Post Traumatic Stress Disorder or dedicated case management services on an outpatient basis; and

''(D) the enhancement of staffing of existing programs relating to Post Traumatic Stress Disorder which have exceeded the projected workloads for such programs.

''(2) Programs relating to substance use disorders, including programs for—

''(A) the establishment and operation of additional Department-based or community-based residential treatment facilities;

''(B) the expansion of the provision of opioid treatment services, including the establishment and operation of additional programs for the provision of opioid treatment services; and

''(C) the reestablishment or enhancement of substance use disorder services at facilities at which such services have been eliminated or curtailed, with an emphasis on the reestablishment or enhancement of services at facilities where demand for such services is high or which serve large geographic areas.

''(c)(1) The Secretary shall provide for the allocation of funds for the programs carried out under this section in a centralized manner.

''(2) The allocation of funds for such programs shall—

''(A) be based upon an assessment of the need for funds conducted by qualified mental health personnel of the Department who oversee such programs; and

''(B) emphasize, to the maximum extent practicable, the availability of funds for the programs described in paragraphs (1) and (2) of subsection (b).''.

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1712B the following new item:

''1712C. Specialized mental health services.''.

(b) REPORT.—(1) Not later than March 1 of each of 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to Congress a report on the programs carried out by the Secretary under section 1712C of title 38, United States Code (as added by subsection (a)).

(2) The report shall, for the period beginning on the date of the enactment of this Act and ending on the date of the report—

(A) describe the programs carried out under such section 1712C;

(B) set forth the number of veterans provided services under such programs; and

(C) set forth the amounts expended for purposes of carrying out such programs.

SEC. 133. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''may not be transferred'' and inserting ''may be transferred''; and

(B) by striking ''unless such transfer is during the last thirty days of such member's enlistment or tour of duty''; and

(2) in the first sentence of paragraph (2), by striking ''during the last thirty days of such person's enlistment period or tour of duty''.

SEC. 134. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking ''(1)'';

(2) by striking ''each designated health care region'' and inserting ''each Department health care facility'';

(3) by striking ''each region'' and inserting ''each facility'';

(4) by striking ''such region'' both places it appears and inserting ''such facility''; and

(5) by striking paragraph (2).

SEC. 135. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.

(a) THREE-YEAR EXTENSION OF NEWSLETTER ON MEDICAL CARE.—Section 105(b)(2) of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(b) THREE-YEAR EXTENSION OF PROGRAM FOR EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.—Section 107(b) of Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

SEC. 136. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center in Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies

between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

SEC. 137. REIMBURSEMENT OF MEDICAL EXPENSES OF VETERANS LOCATED IN ALASKA.

(a) PRESERVATION OF CURRENT REIMBURSEMENT RATES.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall, for purposes of reimbursing veterans in Alaska for medical expenses under section 1728 of title 38, United States Code, during the one-year period beginning on the date of the enactment of this Act, use the fee-for-service payment schedule in effect for such purposes on July 31, 1999, rather than the Participating Physician Fee Schedule under the Medicare program.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Health and Human Services shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report and recommendation on the use of the Participating Physician Fee Schedule under the Medicare program as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

(2) The report shall—

(A) assess the differences between health care costs in Alaska and health care costs in the continental United States;

(B) describe any differences between the costs of providing health care in Alaska and the reimbursement rates for the provision of health care under the Participating Physician Fee Schedule; and

(C) assess the effects on health care for veterans in Alaska of implementing the Participating Physician Fee Schedule as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

SEC. 138. REPEAL OF FOUR-YEAR LIMITATION ON TERMS OF UNDER SECRETARY FOR HEALTH AND UNDER SECRETARY FOR BENEFITS.

(a) UNDER SECRETARY FOR HEALTH.—Section 305 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) UNDER SECRETARY FOR BENEFITS.—Section 306 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to individuals appointed as Under Secretary for Health and Under Secretary for Benefits, respectively, on or after that date.

Subtitle E—Major Medical Facility Projects Construction Authorization

SEC. 141. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed $12,000,000.

(3) Construction of a surgical suite and post-anesthesia care unit at the Department of Veterans Affairs Medical Center, Kansas City, Missouri, in an amount not to exceed $13,000,000.

(4) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $12,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account $225,500,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3348).

(2) LIMITATION ON FISCAL YEAR 2000 PROJECTS.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999 PROJECTS.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;''.

TITLE II—BENEFITS MATTERS

SEC. 201. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking ''Payments'' and inserting ''Subject to subsection (c), payments''; and

(2) by adding at the end the following:

''(c)(1) In the case of an individual described in paragraph (2), payments under section 2302 or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of $1 for each dollar authorized.

''(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of the Veterans Benefits Act of 1999 if the individual, on the individual's date of death—

''(A) is a citizen of the United States;

''(B) is residing in the United States; and

''(C) either—

''(i) is receiving compensation under chapter 11 of this title; or

''(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.''.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

SEC. 202. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 203. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 204. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR.

(a) ELIGIBILITY.—Section 1318(b) is amended—

(1) by striking ''that either—'' in the matter preceding paragraph (1) and inserting ''rated totally disabling if—''; and

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

''(3) the veteran was a former prisoner of war who died after September 30, 1999, and whose disability was continuously rated totally disabling for a period of one year immediately preceding death.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (1)—

(A) by inserting ''the disability'' after ''(1)''; and

(B) by striking ''or'' after ''death;''; and

(2) in paragraph (2)—

(A) by striking ''if so rated for a lesser period, was so rated continuously'' and inserting ''the disability was continuously rated totally disabling''; and

(B) by striking the period at the end and inserting ''; or''.

SEC. 205. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

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

SEC. 206. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.

(a) CLARIFICATION.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105–339; 112 Stat. 3182), to which such amendments relate.

TITLE III—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ''Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999''.

SEC. 302. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding at the end the following new section:

''§ 2412. Arlington National Cemetery: persons eligible for burial

''(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) Any member of the Armed Forces who dies while on active duty.

''(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

''(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

''(A) served on active duty; and

''(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

''(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

''(A) Medal of Honor.

''(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

''(C) Distinguished Service Medal.

''(D) Silver Star.

''(E) Purple Heart.

''(5) Any former prisoner of war who dies on or after November 30, 1993.

''(6) The President or any former President.

''(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

''(A) Vice President.

''(B) Member of Congress.

''(C) Chief Justice or Associate Justice of the Supreme Court.

''(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

''(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

''(8) Any individual whose eligibility is authorized in accordance with subsection (b).

''(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1) In the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

''(2) In the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

''(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

''(4)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

''(B) Each report under subparagraph (A) shall—

''(i) identify the individual authorized for burial; and

''(ii) provide a justification for the authorization for burial.

''(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall publish in the Federal Register a notice of the authorization as soon as practicable after the authorization.

''(B) Each notice under subparagraph (A) shall—

''(i) identify the individual authorized for burial; and

''(ii) provide a justification for the authorization for burial.

''(c) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1)(A) Except as provided in subparagraph (B), the spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

''(B) In a case under subparagraph (A) in which the same gravesite may not be used due to insufficient space, a person otherwise eligible under that subparagraph may be interred in a gravesite adjoining the gravesite of the person listed in subsection (a) if space in such adjoining gravesite had been reserved for the burial of such person otherwise eligible under that subparagraph before January 1962.

''(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

''(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

''(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

''(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

''(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

''(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

''(d) SPOUSES.—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

''(e) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

''(f) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

''(g) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

''(h) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

''(i) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

''(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

''(j) DEFINITIONS.—For purposes of this section:

''(1) The term 'retired member of the Armed Forces' means—

''(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

''(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

''(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

''(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

''(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

''2412. Arlington National Cemetery: persons eligible for burial.''.

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) TECHNICAL AMENDMENTS.—Section 2402(7) is amended—

(1) by inserting ''(or but for age would have been entitled)'' after ''was entitled'';

(2) by striking ''chapter 67'' and inserting ''chapter 1223''; and

(3) by striking ''or would have been entitled to'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 303. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding after section 2412, as added by section 302(a)(1) of this Act, the following new section:

''§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

''(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in

the columbarium in Arlington National Cemetery:

''(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

''(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

''(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

''(b) SPOUSE.—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 302(a)(2) of this Act, the following new item:

''2413. Arlington National Cemetery: persons eligible for placement in columbarium.''.

(b) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

Subtitle B—World War II Memorial

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''World War II Memorial Completion Act''.

SEC. 312. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 2113. World War II memorial in the District of Columbia

''(a) DEFINITIONS.—In this section:

''(1) The term 'World War II memorial' means the memorial authorized by Public Law 103–32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

''(2) The term 'Commission' means the American Battle Monuments Commission.

''(3) The term 'memorial fund' means the fund created by subsection (c).

''(b) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

''(c) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

''(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

''(B) Obligations obtained under paragraph (3).

''(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

''(D) Amounts borrowed using the authority provided under subsection (e).

''(E) Any funds received by the Commission under section 2103(l) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

''(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b). The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

''(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

''(d) USE OF MEMORIAL FUND.—The memorial fund shall be available to the Commission for—

''(1) the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

''(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

''(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(l) of this title to aid or facilitate the construction of the World War II memorial.

''(e) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

''(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

''(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

''(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

''(f) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

''(g) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

''(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

''(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

''(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

''(h) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

''(i) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103–32 (107 Stat. 90) shall not expire until December 31, 2005.''.

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

''2113. World War II memorial in the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Public Law 103–32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103–32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

SEC. 313. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

''(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

''(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

''(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

''(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.''.

SEC. 314. INTELLECTUAL PROPERTY AND RELATED ITEMS.

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

''(l) INTELLECTUAL PROPERTY AND RELATED ITEMS.—(1) The Commission may—

''(A) adopt, use, register, and license trademarks, service marks, and other marks;

''(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

''(C) obtain, use, and license patents; and

''(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

''(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

''(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

''(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

''(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.''.

TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 401. TEMPORARY SERVICE OF CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS UPON EXPIRATION OF THEIR TERMS OR RETIREMENT.

(a) AUTHORITY FOR TEMPORARY SERVICE.—(1) Notwithstanding subsection (c) of section 7253 of title 38, United States Code, and subject to the provisions of this section, a judge of the Court whose term on the Court expires in 2004 or 2005 and completes such term, or who retires from the Court under section 7296(b)(1) of such title, may continue to serve on the Court after the expiration of the judge's term or retirement, as the case may be, without reappointment for service on the Court under such section 7253.

(2) A judge may continue to serve on the Court under paragraph (1) only if the judge submits to the chief judge of the Court written notice of an election to so serve 30 days before the earlier of—

(A) the expiration of the judge's term on the Court as described in that paragraph; or

(B) the date on which the judge meets the age and service requirements for eligibility for retirement set forth in section 7296(b)(1) of such title.

(3) The total number of judges serving on the Court at any one time, including the judges serving under this section, may not exceed 7.

(b) PERIOD OF TEMPORARY SERVICE.—(1) The service of a judge on the Court under this section may continue until the earlier of—

(A) the date that is 30 days after the date on which the chief judge of the Court submits to the President and Congress a written certification based on the projected caseload of the Court that the work of the Court can be performed in a timely and efficient manner by judges of the Court under this section who are senior on the Court to the judge electing to continue to provide temporary service under this section or without judges under this section; or

(B) the date on which the person appointed to the position on the Court occupied by the judge under this section is qualified for the position.

(2) Subsections (f) and (g) of section 7253 of title 38, United States Code, shall apply with respect to the service of a judge on the Court under this section.

(c) TEMPORARY SERVICE IN OTHER POSITIONS.—(1) If on the date that the person appointed to the position on the Court occupied by a judge under this section is qualified another position on the Court is vacant, the judge may serve in such other position under this section.

(2) If two or more judges seek to serve in a position on the Court in accordance with paragraph (1), the judge senior in service on the Court shall serve in the position under that paragraph.

(d) COMPENSATION.—(1) Notwithstanding any other provision of law, a person whose service as a judge of the Court continues under this section shall be paid for the period of service under this section an amount as follows:

(A) In the case of a person eligible to receive retired pay under subchapter V of chapter 72 of title 38, United States Code, or a retirement annuity under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable, an amount equal to one-half of the amount of the current salary payable to a judge of the Court under chapter 72 of title 38, United States Code, having a status on the Court equivalent to the highest status on the Court attained by the person.

(B) In the case of a person not eligible to receive such retired pay or such retirement annuity, an amount equal to the amount of current salary payable to a judge of the Court under such chapter 72 having a status on the Court equivalent to the highest status on the Court attained by the person.

(2) Amounts paid under this subsection to a person described in paragraph (1)(A)—

(A) shall not be treated as—

(i) compensation for employment with the United States for purposes of section 7296(e) of title 38, United States Code, or any provision of title 5, United States Code, relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States; or

(ii) pay for purposes of deductions or contributions for or on behalf of the person to retired pay under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable; but

(B) may, at the election of the person, be treated as pay for purposes of deductions or contributions for or on behalf of the person to a retirement or other annuity, or both, under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(3) Amounts paid under this subsection to a person described in paragraph (1)(B) shall be treated as pay for purposes of deductions or contributions for or on behalf of the person to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(4) Amounts paid under this subsection shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(e) CREDITABLE SERVICE.—(1) The service as a judge of the Court under this section of a person who makes an election provided for under subsection (d)(2)(B) shall constitute creditable service toward the judge's years of judicial service for purposes of section 7297 of title 38, United States Code, with such service creditable at a rate equal to the rate at which such service would be creditable for such purposes if served by a judge of the Court under chapter 72 of that title.

(2) The service as a judge of the Court under this section of a person paid salary under subsection (d)(1)(B) shall constitute creditable service of the person toward retirement under subchapter V of chapter 72 of title 38, United States Code, or subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable.

(f) ELIGIBILITY FOR ADDITIONAL SERVICE.—The service of a person as a judge of the Court under this section shall not affect the eligibility of the person for appointment to an additional term or terms on the Court, whether in the position occupied by the person under this section or in another position on the Court.

(g) TREATMENT OF PARTY MEMBERSHIP.—For purposes of determining compliance with the last sentence of section 7253(b) of title 38, United States Code, the party membership of a judge serving on the Court under this section shall not be taken into account.

SEC. 402. MODIFIED TERMS FOR CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) MODIFIED TERMS.—Notwithstanding section 7253(c) of title 38, United States Code, the term of any judge of the Court who is appointed to a position on the Court that becomes vacant in 2004 shall be 13 years.

(b) ELIGIBILITY FOR RETIREMENT.—(1) For purposes of determining the eligibility to retire under section 7296 of title 38, United States Code, of a judge appointed as described in subsection (a)—

(A) the age and service requirements in the table in paragraph (2) shall apply to the judge instead of the age and service requirements in the table in subsection (b)(1) of that section that would otherwise apply to the judge; and

(B) the minimum years of service applied to the judge for eligibility to retire under the first sentence of subsection (b)(2) of that section shall be 13 years instead of 15 years.

(2) The age and service requirements in this paragraph are as follows:

The judge has attained age:	And the years of service as a judge are at least
65	13
66	13
67	13
68	12
69	11
70	10

SEC. 403. TEMPORARY AUTHORITY FOR VOLUNTARY SEPARATION INCENTIVES FOR CERTAIN JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) TEMPORARY AUTHORITY.—A voluntary separation incentive payment may be paid in accordance with this section to any judge of the Court described in subsection (c).

(b) AMOUNT OF INCENTIVE PAYMENT.—The amount of a voluntary separation incentive

payment paid to a judge under this section shall be $25,000.

(c) COVERED JUDGES.—A voluntary separation incentive payment may be paid under this section to any judge of the Court who—

(1) meets the age and service requirements for retirement set forth in section 7296(b)(1) of title 38, United States Code, as of the date on which the judge retires from the Court;

(2) submits a notice of an intent to retire in accordance with subsection (d); and

(3) retires from the Court under that section not later than 30 days after the date on which the judge meets such age and service requirements.

(d) NOTICE OF INTENT TO RETIRE.—(1) A judge of the Court seeking payment of a voluntary separation incentive payment under this section shall submit to the President and Congress a timely notice of an intent to retire from the Court, together with a request for payment of the voluntary separation incentive payment.

(2) A notice shall be timely submitted under paragraph (1) only if submitted—

(A) not later than one year before the date of retirement of the judge concerned from the Court; or

(B) in the case of a judge whose retirement from the Court will occur less than one year after the date of the enactment of this Act, not later than 30 days after the date of the enactment of this Act.

(e) DATE OF PAYMENT.—A voluntary separation incentive payment may be paid to a judge of the Court under this section only upon the retirement of the judge from the Court.

(f) TREATMENT OF PAYMENT.—A voluntary separation incentive payment paid to a judge under this section shall not be treated as pay for purposes of contributions for or on behalf of the judge to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code.

(g) ELIGIBILITY FOR TEMPORARY SERVICE ON COURT.—A judge seeking payment of a voluntary separation incentive payment under this section may serve on the Court under section 401 if eligible for such service under that section.

(h) SOURCE OF PAYMENTS.—Amounts for voluntary separation incentive payments under this section shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(i) EXPIRATION OF AUTHORITY.—A voluntary separation incentive payment may not be paid under this section to a judge who retires from the Court after December 31, 2002.

SEC. 404. DEFINITION.

In this title, the term ''Court'' means the United States Court of Appeals for Veterans Claims.

The title was amended so as to read: ''A bill To amend title 38, United States Code, to enhance programs providing health care and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.''.

ORDER FOR STAR PRINT—S. 1547

Mr. BROWNBACK. Madam President, I ask unanimous consent that S. 1547 be star printed with the changes that are at the desk.

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

ORDERS FOR THURSDAY, SEPTEMBER 9, 1999

Mr. BROWNBACK. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 9:30 a.m. on Thursday, September 9. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately begin three consecutive votes as previously ordered.

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

PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will convene at 9:30 a.m. and begin a series of three stacked votes. The first vote is on cloture on the motion to proceed to the Transportation appropriations bill. That will be followed by a vote on or in relation to the Bond amendment, No. 1621, and, third, the Robb amendment, No. 1583. Following the votes, the Senate will resume consideration of the pending Hutchison amendment regarding oil royalties. Further amendments and votes are expected throughout tomorrow's session of the Senate, with the anticipation of completing action on the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:37 p.m., adjourned until Thursday, September 9, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 1999:

DEPARTMENT OF THE TREASURY

JAY JOHNSON, OF WISCONSIN, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS, VICE PHILIP N. DIEHL, TERM EXPIRED.

AFRICAN DEVELOPMENT BANK

WILLENE A. JOHNSON, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE ALICE MARIE DEAR, TERM EXPIRED.

DEPARTMENT OF STATE

JOSEPH W. PRUEHER, OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

DEPARTMENT OF JUSTICE

MARK REID TUCKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE WILLIAM I. BERRYHILL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. THOMAS A. SCHWARTZ, 0711.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

GEORGE CARNER, OF CALIFORNIA
WILLIAM S. RHODES, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ELENA BRINEMAN, OF VIRGINIA
LISA CHILES, OF THE DISTRICT OF COLUMBIA
DIRK W. DIJKERMAN, OF NEW YORK
LEWIS W. LUCKE, OF TEXAS
WALTER E. NORTH, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES R. BONNELL, OF VIRGINIA
DAVID E. ECKERSON, OF WASHINGTON
WILLIAM A. JEFFERS, OF FLORIDA
RODNEY W. JOHNSON, OF VIRGINIA
DEBRA D. MCFARLAND, OF FLORIDA
B. EILENE OLDWINE, OF NEW YORK
MARY CATHERINE OTT, OF MARYLAND
MICHAEL CROOKS TROTT, OF VIRGINIA
STEVEN G. WISECARVER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHNNIE CARSON, OF ILLINOIS
RYAN CLARK CROCKER, OF WASHINGTON
MARC I. GROSSMAN, OF VIRGINIA
DONNA JEAN HRINAK, OF PENNSYLVANIA
A. ELIZABETH JONES, OF MARYLAND
B. LYNN PASCOE, OF MISSOURI

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MICHAEL R. ARIETTI, OF CONNECTICUT
JOHN R. BACA, OF TEXAS
ROBYN M. BISHOP, OF FLORIDA
WILLIAM J. BRENCICK, OF MISSOURI
STEVEN ROBERT BUCKLER, OF NEW HAMPSHIRE
R. NICHOLAS BURNS, OF VIRGINIA
SHAUN M. BYRNES, OF CALIFORNIA
JAMES C. CASON, OF FLORIDA
RICHARD A. CHRISTENSON, OF WISCONSIN
JOHN R. DAWSON, OF NEW YORK
ALAN W. EASTHAM, JR., OF ARKANSAS
ERIC S. EDELMAN, OF VIRGINIA
M. MICHAEL EINIK, OF VIRGINIA
W. DOUGLAS FRANK, OF MARYLAND
DANIEL FRIED, OF THE DISTRICT OF COLUMBIA
MICHAEL F. GALLAGHER, OF PENNSYLVANIA
MAURA HARTY, OF FLORIDA
KEVIN F. HERBERT, OF NEW YORK
CHRISTOPHER ROBERT HILL, OF RHODE ISLAND
DAVID T. HOPPER, OF VIRGINIA
FRANKLIN HUDDLE, JR., OF CALIFORNIA
VICKI J. HUDDLESTON, OF MARYLAND
MARIE T. HUHTALA, OF CALIFORNIA
DAVID TIMOTHY JOHNSON, OF TEXAS
WAYNE E. JULIAN, OF TEXAS
SCOTT MARK KENNEDY, OF CALIFORNIA
JIMMY J. KOLKER, OF SOUTH DAKOTA
GEORGE C. LANNON, OF TEXAS
JOSEPH ROBERT MANZANARES, OF COLORADO
THOMAS H. MARTIN, OF CALIFORNIA
NANCY M. MASON, OF THE DISTRICT OF COLUMBIA
BARBRO A. OWENS-KIRKPATRICK, OF CALIFORNIA
GARY DEAN PENNER, OF NEBRASKA
STEVEN KARL PIFER, OF CALIFORNIA
MICHAEL CHRISTIAN POLT, OF TENNESSEE
WILLIAM PINCKNEY POPE, OF VIRGINIA
NANCY J. POWELL, OF IOWA
TIMOTHY E. RODDY, OF VIRGINIA
VLADIMIR PETER SAMBAIEW, OF TEXAS
STEPHEN A. SCHLAIKJER, OF FLORIDA
DEBORAH RUTH SCHWARTZ, OF MARYLAND
CATHERINE MUNNELL SMITH, OF CONNECTICUT
ROBERT J. SMOLIK, OF CALIFORNIA
TERRY R. SNELL, OF WASHINGTON
JAMES VANDERHOFF, OF TEXAS
LINDA E. WATT, OF VIRGINIA
GRETCHEN GERWE WELCH, OF CALIFORNIA
WALLACE RAY WILLIAMS, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

BERNARD ALTER, OF COLORADO
DIANNEMCINTYRE ANDRUCH, OF ARIZONA
KAY L. ANSKE, OF TEXAS
KATHLEEN THERESE AUSTIN, OF THE DISTRICT OF COLUMBIA
PERRY EDWIN BALL, OF GEORGIA
MARCIA S. BERNICAT, OF NEW JERSEY
JANET L. BOGUE, OF WASHINGTON
TERRY ALAN BREESE, OF CALIFORNIA
JUDSON L. BRUNS III, OF COLORADO
DONALD CAMP, OF MARYLAND
ROBERT F. CEKUTA, OF NEW YORK
HARLAN K. COHEN, OF CONNECTICUT
FREDERICK BISHOP COOK, OF FLORIDA
BOHDAN DMYTREWYCZ, OF VIRGINIA
EDWARD K. H. DONG, OF CALIFORNIA
STEPHEN ANTHONY EDSON, OF KANSAS
JAMES A. FORBES, OF NEVADA
JAMES JOHN FOSTER, OF THE DISTRICT OF COLUMBIA
DEBORAH E. GRAZE, OF VIRGINIA
ROSEMARY ELLEN HANSEN, OF VIRGINIA
JOHN J. HARTLEY II, OF SOUTH CAROLINA
JOSEPH HILLIARD, JR., OF WASHINGTON
JOSEPH HUGGINS, OF THE DISTRICT OF COLUMBIA
MIRIAM KAHAL HUGHES, OF FLORIDA
MARK HANSLEY JACKSON, OF FLORIDA
JAMES ROBERT KEITH, OF FLORIDA
GEORGE ALBERT KROL, OF NEW JERSEY
HELEN R. MEAGHER LALIME, OF FLORIDA
ROBERT G. LOFTIS, OF COLORADO
STEPHEN GEORGE MCFARLAND, OF TEXAS
JAMES D. MCGEE, OF INDIANA
WILLIAM J. MCGLYNN, JR., OF VIRGINIA
P. MICHAEL MCKINLEY, OF CONNECTICUT
JOHN L. MORAN, OF NEW YORK
JOSEPH ADAMO MUSSOMELI, OF TEXAS
DAVID DANIEL NELSON, OF SOUTH DAKOTA
WANDA LETITIA NESBITT, OF PENNSYLVANIA
STEPHEN VANCE NOBLE, OF VERMONT
VICTORIA NULAND, OF CONNECTICUT
MAURICE S. PARKER, OF CALIFORNIA
HOWARD T. PERLOW, OF VIRGINIA
JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA
LOUIS M. POSSANZA, OF VIRGINIA
CHARLES AARON RAY, OF TEXAS
JOHN ALEXANDER RITCHIE, OF VIRGINIA
CAROL ANN RODLEY, OF MAINE
EARLE ST. AUBIN SCARLETT, OF CALIFORNIA
JACK DAVID SEGAL, OF CALIFORNIA
THOMAS ALFRED SHANNON, JR., OF FLORIDA
PAMELA JO H. SLUTZ, OF TEXAS
DAVID CARTER STEWART, OF TEXAS
HOWARD STOFFER, OF NEW YORK
ELEANOR BLY SUTTER, OF NEW YORK
BRUCE EDWIN THOMAS, OF CALIFORNIA
THOMAS JOSEPH TIERNAN, OF ILLINOIS
CRAIG STUART TYMESON, OF FLORIDA
CAROL VAN VOORST, OF VIRGINIA
PHILIP R. WALL, OF WASHINGTON
DONALD EUGENE WELLS, OF ILLINOIS
GEORGE MCDONALD WHITE, OF INDIANA
JAMES G. WILLIARD, OF FLORIDA
JAMES HOWARD YELLIN, OF PENNSYLVANIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

M. AUDREY ANDERSON, OF OREGON
TONY R. BELL, OF TEXAS
JACK A. BLAIR, JR., OF VIRGINIA
GERALD L. DE SALVO, OF FLORIDA
MARTIN T. DONNELLY, OF VIRGINIA
JOHN F. DURBIN, OF OHIO
BARBARA L. KOCH, OF NEW YORK
JAMES A. MCWHIRTER, OF FLORIDA
GRETCHEN A. MCCOY, OF NEBRASKA
RONALD L. MILLER, OF MICHIGAN
RALPH W. MOORE, OF FLORIDA
JOE D. MORTON, OF MARYLAND
JOHN C. MURPHY, OF VIRGINIA
ALAN M. NATHANSON, OF VIRGINIA
SUSAN H. SWART, OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

RUEBEN MICHAEL RAFFERTY, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

RICHARD R. CRAIG, OF CONNECTICUT

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SANFORD N. OWENS, OF WASHINGTON
GREGORY S. TAEVS, OF CALIFORNIA

DEPARTMENT OF STATE

JANET L. HENNEKE, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JUNE 28, 1996:

DONALD LEROY MOORE, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

VICTORIA ANNE LIEBER ALVARADO, OF CALIFORNIA
INDRAN J. AMIRTHANAYAGAM, OF NEW YORK
DANIEL BAZAN, OF TEXAS
WILLIAM DAVID BENT, OF MASSACHUSETTS
DAVID C. BROOKS, OF CONNECTICUT
ROBIN D. DIALLO, OF CALIFORNIA
PATRICIA L. FIETZ, OF NEW YORK
NICHOLAS JOSEPH GIACOBBE, JR., OF VIRGINIA
ANTHONY R. GIOVANNIELLO, OF CALIFORNIA
KATHARINA P. GOLLNER-SWEET, OF VIRGINIA
PATRICIA H.H. GUY, OF FLORIDA
ALAN RAND HOLST, OF TEXAS
VICTOR J. HUSER, OF TEXAS
FARNAZ KHADEM, OF CALIFORNIA
ARTHUR H. MARQUARDT, OF MICHIGAN
VONDA GAY NICHOLS, OF TEXAS
CHRISTOPHER GREGORY PALMER, OF VIRGINIA
GREGORY C. PATRICK, OF CALIFORNIA
DAVID MATTHEW PURL, OF CALIFORNIA
MARK M. SCHLACHTER, OF NEBRASKA
ANN G. SORAGHAN, OF VIRGINIA
DONN-ALLAN GERARD TITUS, OF FLORIDA
STEWARD D. TUTTLE, JR., OF CALIFORNIA
SUSAN M. WALSH, OF ALABAMA
WILLIAM J. WEISSMAN, OF CALIFORNIA
ROBERT A. ZIMMERMAN, OF NEW JERSEY

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JESSAMYN FAY ALLEN, OF TEXAS
JOSHUA C. ARCHIBALD, OF CALIFORNIA
DAVID ASHLEY BAGWELL, JR., OF ALABAMA
KIMBERLEY S. BARR, OF TEXAS
JOHN P. BARRY, JR., OF NEW YORK
MICHAEL C. BARRY, OF VIRGINIA
GREGORY W. BAYER, OF CONNECTICUT
MITCHELL PETER BENEDICT, OF VIRGINIA
NICHOLAS RICHARD BERLINER, OF CONNECTICUT
AUDU MARK E. BESMER, OF CONNECTICUT
DAVID B. BINGHAM, OF THE DISTRICT OF COLUMBIA
RICHARD LEE BUANGAN, OF CALIFORNIA
AMY CHRISTINE CARLON, OF TEXAS
AMY A. CARNIE, OF NEW HAMPSHIRE
LEE FRANCIS CISSNA, OF MARYLAND
DAVID L. CITRON, OF VIRGINIA
JOHN DAVID COCKRELL, OF OHIO
THOMAS MCKINNEY COLEMAN II, OF MISSISSIPPI
ARTHUR F. COLETTA, OF MARYLAND
ROBERT ALLYN COLLINS, OF TEXAS
CARLOS REX CRIGGER, OF VIRGINIA
JASON R. CUBAS, OF FLORIDA
AIMEE CUTRONA, OF CALIFORNIA
CHARLES W. DAVIS, JR., OF TEXAS
ROBERT ANDREW DICKSON III, OF VIRGINIA
MATTHEW S. DOLBOW, OF CONNECTICUT
J. BRIAN DUGGAN, OF TEXAS
DEBRA L. DYMERSKY, OF VIRGINIA
DANIEL W. EBERT, OF VIRGINIA
MARK DARYL ERICKSON, OF NEW HAMPSHIRE
JOHN LEE ESPINOZA, OF TEXAS
JAMES DOUGLAS FELLOWS, OF MARYLAND
AARON D. FISHMAN, OF THE DISTRICT OF COLUMBIA
THOMAS R. FLADLAND, OF SOUTH DAKOTA
ANDREW L. FLASHBERG, OF CALIFORNIA
ALAN GUNNAR FREY, OF VIRGINIA
LYNNE BRETT GADKOWSKI, OF NEW HAMPSHIRE
DOUGLAS B. GALLOWAY, OF MARYLAND
GREGORY NELSON GARDNER, OF CALIFORNIA
GREGORY LAWRENCE GARLAND, OF FLORIDA
BRIAN JOSEPH GEORGE, OF COLORADO
ROBERT W. GERBER, OF NORTH CAROLINA
ETHAN GLICK, OF MARYLAND
ANN M. GOUGH, OF MASSACHUSETTS
SIMON R. HANKINSON, OF FLORIDA
KEITH LEE HEFFERN, OF VIRGINIA
MAURA F. HENNESSY-SHAW, OF THE DISTRICT OF COLUMBIA
J. DENVER HERREN, OF OKLAHOMA
CHING-HSIU SHERRY HONG, OF FLORIDA
WILLIAM DENNIS HOWARD, OF CALIFORNIA
BRIAN D. JENSEN, OF CALIFORNIA
NATHANIEL GRAHAM JENSEN, OF NEW HAMPSHIRE
WILLIAM B. JOHNSON, OF FLORIDA
JANICE L. JORDAN, OF VIRGINIA
EMIRA C. KASEM, OF VIRGINIA
ROBERT EARL KEMP, OF KENTUCKY
CLIFFORD T. KNIGHT, OF VIRGINIA
JONATHAN KORACH, OF VIRGINIA
WILLIAM HENRY LAITINEN, OF THE DISTRICT OF COLUMBIA
DAVID MICHAEL LAMONTAGNE, OF NORTH CAROLINA
MICHAEL E. LATHAM, OF VIRGINIA
MICHAEL JOHN LAYNE, OF VIRGINIA
VAL J. LETELLIER, OF CALIFORNIA
TIMOTHY J. LUNARDI, OF PENNSYLVANIA
JOSEPH A. MARR, OF ILLINOIS
AMY MARIE MASON, OF MAINE
SARAH MICHELLE MATHAI, OF CONNECTICUT
LAURA ANN MCCALLUM, OF TEXAS
TERRY WILLIAM MCCONNAUGHEY, OF MARYLAND
MIKAEL C. MCCOWAN, OF NEW YORK
DANIEL F. MCCULLOUGH, OF OHIO
ANDREW EUGENE MCDAVID, JR., OF COLORADO
KIMBERLY A. MCDONALD, OF VIRGINIA
JOHN ROSS MCGUIRE, OF VIRGINIA
KEVIN L. MCNEIL, OF TENNESSEE
JONATHAN R. MENNUTI, OF TEXAS
TODD H. MILLICK, OF MARYLAND
JOAQUIN F. MONSERRATE, OF PUERTO RICO
GREGORY R. C. MORRISON, OF THE DISTRICT OF COLUMBIA
AMANDA CELESTE MORROW, OF TEXAS
MARK MOTLEY, OF NEW YORK
HERRO K. MUSTAFA, OF VIRGINIA
JOHN H. NAEHER, OF VIRGINIA
CONSTANTINOS C. NICOLAIDIS, OF WASHINGTON
GLENN CARLYLE NYE III, OF VIRGINIA
NEIL M. O'CONNOR, OF MASSACHUSETTS
HUGUES OGIER, OF HAWAII
MORGAN ANDREW PARKER, OF MISSOURI
LIZA PETRUSH, OF THE DISTRICT OF COLUMBIA
ROBERT B. PICKELL, OF VIRGINIA
JENNIFER RASAMIMANANA, OF CALIFORNIA
CARL C. RISCH, OF PENNSYLVANIA
KAREN E. ROBBLEE, OF NEW YORK
ROBERT C. RUEHLE, OF NEW YORK
LINDA A. ROUSE, OF VIRGINIA
MEREDITH L. SAGER, OF VIRGINIA
SUZANNE R. SENE, OF VIRGINIA
KIER MAY SEXTON, OF VIRGINIA
EUGENIA MARIA SIDEREAS, OF ILLINOIS
CHARAZED SIOUD, OF MARYLAND
L. REECE SMYTH, JR., OF TEXAS
MICHAEL J. SOLBERG, OF ARKANSAS
MICHELLE A. SOLINSKY, OF WASHINGTON
SHAYNA STEINGER SINGH, OF IOWA
FOSTER STOLTE, OF MARYLAND
TODD R. STONE, OF COLORADO
SIMS THOMAS, OF OREGON
DU D. TRAN, OF THE DISTRICT OF COLUMBIA
ANDREW JASON TREGO, OF KANSAS
VALDA MAIJA VIKMANIS, OF MINNESOTA
CAROL J. VOLK, OF NEW YORK
AMY HART VRAMPAS, OF FLORIDA
PATRICIA M. WAGNER, OF TEXAS
PAUL SHANE WATZLAVICK, OF TEXAS
JONATHAN K. WEBSTER, OF THE DISTRICT OF COLUMBIA
JONATHAN CRAIG WEYER, OF NEW JERSEY
TODD M. WILCOX, OF FLORIDA
COOPER J. WIMMER, OF PENNSYLVANIA
AMY ELAINE WISGERHOF, OF CALIFORNIA
KAMI A. WITMER, OF PENNSYLVANIA
JENNIFER FOREST YANG, OF CALIFORNIA
HUGO YON, OF CALIFORNIA
FENWICK W. YU, OF MARYLAND
ZAID ABDULLAH ZAID, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE DECEMBER 7, 1997:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

STEPHEN R. KELLY, OF NEW HAMPSHIRE

CONFIRMATIONS

Executive Nominations confirmed by the Senate September 8, 1999:

THE JUDICIARY

ADALBERTO JOSE JORDAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

MARSHA J. PECHMAN, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

CARLOS MURGUIA, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS.