discovery during the time the President is in office; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 418. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

By Ms. SNOWE:

S. 419. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

S. 420. A bill to provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners; to the Committee on the Judiciary.

By Mr. KYL (by request):

S. 421. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

By Mr. MURKOWSKI:

S. 422. A bill to provide for Alaska state jurisdiction over small hydroelectric projects; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 423. A bill to prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. THURMOND, Mr. SMITH of New Hampshire, Mr. GRASSLEY, and Mr. HELMS):

S. 424. A bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. BAUCUS, and Mr. KERREY):

S. 425. A bill to require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. TORRICELLI (for himself, Mr. BAUCUS, Mr. LUGAR, Mr. DURBIN, and Mr. REID):

S. Res. 34. A resolution designating the week beginning April 30, 1999, as ''National Youth Fitness Week''; to the Committee on the Judiciary.

By Ms. SNOWE:

S. Res. 35. A resolution relating to the treatment of veterans with Alzheimer's disease; to the Committee on Veterans' Affairs.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD):

S. Res. 36. A resolution authorizing the taking of photographs in the Chamber of the United States Senate; considered and agreed to.

By Ms. SNOWE (for herself and Ms. MIKULSKI):

S. Con. Res. 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; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOULTIONS

By Mr. BROWNBACK (for himself, Mr. GRAMS, Mr. SMITH of New Hampshire, Mr. ASHCROFT, Mr. INHOFE, Mr. KYL, Mr. ALLARD, Mr. HELMS, Mr. SESSIONS, Mr. ABRAHAM, Mr. NICKLES, Mr. SANTORUM, and Mr. HAGEL):

S. 410. A bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

PAYGO REFORM

● Mr. BROWNBACK. Mr. President, today I am introducing a bill, cosponsored by several of my colleagues that would reform the current pay-as-you-go financing mechanism of our federal government.

As a critical step to help reform the federal government, I believe that we need to change Congressional Budget Rules that make it illegal to use cuts in inefficient government spending to pay for tax cuts. Over the past century, our budget rules have been written in a way that favors spending over savings. We must fundamentally reform Pay-as-you-go (PAYGO) financing this year beyond the current law understanding which effectively turns PAYGO off during periods of an on-budget surplus.

Currently, according to PAYGO, Congress cannot make cuts in wasteful, even harmful government discretionary spending programs in order to finance tax cuts. For example, we can't cut the Advanced Technology Program in the Department of Commerce to pay for a capital gains tax cut. Rather, Congress has to make cuts in popular mandatory spending programs like Social Security and Medicare in order to pay for its tax cuts. I believe it is wrong to pit Social Security and Medicare against tax cuts. We need to flip the table on this false trade off by pitting tax cuts against wasteful big government spending.

Such a change would amount to a paradigm shift in how government functions and would help limit the size of government while at the same time providing additional resources for meaningful tax relief. The machinery of government is constructed to spend. We need reengineering of government so that the machinery produces savings.

My bill would change budget law in order to allow for tax cuts to be implemented in the amount of program eliminations. In practice, if we are able to eliminate a program during consideration of an appropriations measure, that money would be credited to the PAYGO scorecard and reserved for tax cuts.

Therefore, should my bill be enacted, we could eliminate programs like the Advance Technology Program, the National Endowment for the Arts, the Department of Commerce, and a whole host of other government programs while at the same time giving the taxpayers the tax relief they deserve—and we can do it without making draconian cuts to mandatory spending programs that ultimately do little to save the programs and much to simply prolong the crisis.

Mr. President, I look forward to the coming debate on budget process reforms. I look forward to the bill that is being considered jointly by the Governmental Affairs and Budget Committees, and I look forward to working with the chairmen of each in order to accomplish the type of budget reform that we truly need.●

By Mr. GRASSLEY (for himself, Mr. JEFFORDS, Mr. CONRAD, Mr. LEAHY, Mr. MURKOWSKI, Mr. SMITH of Oregon, Mr. WELLSTONE, Mr. CHAFEE, Mr. BREAUX, Mr. GRAHAM, Mr. MACK, Mr. DASCHLE, Mr. DORGAN, and Mr. BURNS).

S. 414. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes; to the Committee on Finance.

WIND ENERGY TAX CREDIT

● Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation for myself and Senators JEFFORDS, CONRAD, MURKOWSKI, LEAHY, WELLSTONE, CHAFEE, SMITH of Oregon, BREAUX, GRAHAM, MACK, DASCHLE, and DORGAN.

Our legislation extends the production tax credit for energy generated by wind. This proposed bill resembles bipartisan legislation introduced in November of 1998 that, unfortunately, was not enacted.

As original author of the Wind Energy Incentives Act of 1993, I strongly believe that the expansion and development of wind energy must be facilitated by this production tax credit.

The Senate has previously supported wind energy production tax credit legislation. I would therefore like to request that Senators again consider this valuable initiative that would help secure this untapped potential for clean power.

Wind, unlike most energy sources, is an efficient and environmentally safe form of energy use. Wind is renewable and does not obligate the United States to rely on unstable foreign states for sources of energy.

This legislation extends the production tax credit through the month of June, 2004. We all know the damaging effects fossil fuels have on our environment. Wind energy, by contrast, is clean, safe, and abundant within the United States.

Every 10,000 megawatts of wind energy can reduce carbon monoxide emissions by 33 million metric tons. Today, the United States produces only 1,700

megawatts of wind energy. However, experts estimate that American wind capacity can produce up to 30,000 megawatts by the year 2010—that is enough energy to meet the demands of over 10 million homes, while reducing pollution in every state.

The production tax credit has brought wind power generation costs almost down to the same as coal and gas energy levels. In order to continue this investment in America's energy future, we must extend the production tax credit.

Currently, my own state of Iowa has 5 new wind power projects ready to go online just this year. These 5 projects, with the megawatt capacity of over 240, join the already existing 6 facilities in Iowa. Even large petroleum producing states like Texas, ranked 2nd in the nation in wind energy potential, recognize the growing significance of wind power.

Renewing the wind tax credit would allow for greater expansion into the wind energy field. These projects take a long time to develop and assured tax breaks would help facilitate more wind power construction contracts. Withhold the tax credit and investment will surely decline for new wind projects. This is because it takes as much as 3 years to obtain financing and permitting to build a new facility.

Wind is a domestic natural resource, found abundant in almost every state. Wind is homegrown energy, that cannot be controlled by any foreign state or power. American lives need not be put at risk to protect overseas sources of wind energy.

Wind energy can be harnessed without the detrimental effects of fossil fuel pollution. Wind is a stable and reliable form of power that is renewable and inextinguishable. This legislation ensures that wind energy does not fall by the wayside as a productive alternative energy source. The Senate needs to extend this important legislation and I encourage all my colleagues to join us in this effort.

Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 414

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

SECTION 1. 5-YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM WIND.

(a) IN GENERAL.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 (defining qualified facility) is amended to read as follows:

''(3) QUALIFIED FACILITY.—The term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service—

''(A) in the case of a facility using wind to produce electricity, after December 31, 1993, and before July 1, 2004, and

''(B) in the case of a facility using closed-loop biomass to produce electricity, after December 31, 1992, and before July 1, 1999.''.

(b) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—Subsection (b) of section 45 of such Code is amended by adding at the end the following new paragraph:

''(4) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

''(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

''(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

''(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

''(B) EXCEPTION.—Subparagraph (A) shall not apply if—

''(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii);

''(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delviery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

''(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

''(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998; and

''(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

''(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

''(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in 18 CFR 292.304(d)(1) or any successor regulation.''.●

● Mr. BURNS. Mr. President, I stand today with my colleague from Iowa, Senator GRASSLEY and others, as an original co-sponsor of a bill, S. 414, that would provide alternative energy tax credits that will help our nation become a leader in environmentally sound energy usages.

As a nation, we consume more energy per capita than any other country in the world. However, because of available technology and efficient use of our resources, we are also a leader in the use of environmentally-friendly practices.

Last year, President Clinton and Vice-President GORE expressed their interest in ratification of the Kyoto Treaty. I am concerned about the implications of applying the Kyoto Treaty to the U.S. economy.

The treaty, negotiated by 160 countries in December 1997, would require the United States to reduce its energy-related emissions 30–40 percent below levels otherwise projected for the years 2008–2012.

To enter into force, at least 55 nations representing 55 percent of the industrial world's 1990 emissions must ratify the agreement. The U.S. plays a pivotal role. If the U.S. does not ratify, neither Japan nor the European Union will do so.

In July 1997, the Senate passed, 95–0, a resolution opposing any agreement that exempts developing countries from emission limits. The Treaty does so exempt such countries. Key developing countries such as China, India, Brazil, Mexico and South Korea have refused to limit their emissions. These countries create a proportionately larger share of emissions than developed countries.

Therefore it would be unfair for the Congress to subject the Treaty on the American taxpayer. I am further concerned that the Clinton Administration led by Vice-President GORE signed the Kyoto Protocol announcing plans to launch new Kyoto-friendly federal energy procurement and transportation initiatives.

If implemented, Kyoto could: Increase gasoline prices up to 53% (up to $1.91/gallon); Increase electricity prices up to 86%; Eliminate up to 16 million U.S. jobs over the next six years.

The Department of Energy's Energy Information Administration concludes that natural gas market share will increase from 14% to 33% by 2020 and coal market share will decrease dramatically.

Mr. President, I am very committed to reducing global emissions but I am also convinced that such actions must not be at the expense of U.S. energy consumers. We have not given proper attention to a largely untapped and unlimited resource—that resource being wind generated power and other alternative energy sources.

If you drive through our State, you will feel the power of our unharnessed wind. Our Northerly wind can at times present a danger along the Rocky Mountain front, and certainly makes it's presence felt just about any time of the year.

The vast majority of wind development has been in California. However, many states have a much greater wind potential than California. Montana has an annual wind energy potential of 1,020 billion kilo Watt hours and little has been done to harness that energy. Such potential deserves exploration and that exploration needs to be fostered.

Congress is also responsible to help foster such growths in other alternative energy sources. Last year, I was very active in efforts to provide for an extension of the ''placed-in-service'' date of the Section 29 tax credit. Although this tax credit does not expire until 2008, it is important for Congress to allow new entrants to develop their technologies and build their facilities.

I look forward to pursuing this issue again this year. It will be a great addition to current legislation supporting energy tax credits for oil and gas development. I would like to request the attached colloquy from last year regarding Section 29 tax credits between me and twelve of my colleagues be entered into the RECORD.

The colloquy follows:

Mr. BURNS. Mr. President, I would like to clarify the intent of Congress regarding tax

incentives for alternative fuels. These incentives are important tools for our nation's long-term energy policy.

Starting with the energy crisis in the 1970s, Congress has acted on numerous occasions to provide tax credits intended to develop alternative fuels. Prior Congresses took these steps in recognition of the need to encourage the development and use of alternative fuels which promise that we as a nation will never be dependent on others for our energy resources. For example, Section 29, which expired earlier this year, and Section 45, which is due to expire next June, were both intended to encourage the development of nonconventional fuels.

Today, our nation not only needs to continue its efforts to develop alternative fuel resources, but given our ever growing energy requirements, we must consider the environmental impact that conventional and nonconventional fuels have on our environment, particularly in light of the Clean Air Act.

In order to maximize the most efficient use of our nation's resources, Congress needs to commit to the development of clean alternative fuels. We need also to use our nation's technologies to develop environmentally clean alternative liquid fuels from coal.

In Montana, we have vast coal reserves. There are technologies that can upgrade the coal from these reserves and reduce current difficulties associated with the development of these fields. However, these technologies are not likely to be developed, and therefore these vast natural resources are not likely to be used, unless Congress provides incentives to develop clean alternative fuels.

I am concerned that we have not been able to fully discuss the merits of such incentives in our budget debate this past month. For example, an extension of Section 29 was included in the Senate version of the tax extenders, but that provision was not included in the final package.

I would urge my colleagues to bring this debate to the floor in the 106th Congress to ensure that the issue of encouraging the development of clean alternative fuels is a priority in our nation's energy policy.

Mr. LOTT. I agree with my colleague from Montana. As our nation continues to seek ways to improve environmental quality and to reduce the need for imported energy, several new technologies run the risk of not being developed if Congress does not act to provide incentives to develop clean alternative fuels.

These technologies provide two significant benefits to our nation. First, the use of alternative fuels reduces our reliance on foreign energy sources. Second, the technologies provide cleaner results for our environment.

For these reasons, I want to assure my colleague from Montana that I will make a priority of addressing the need for tax incentives to produce clean alternative fuels.

Mr. GRASSLEY. I agree with my colleagues from Montana and Mississippi about this very important issue. The development and use of alternative fuels are important to this nation, and we must encourage their use and development.

Wind energy has long been recognized as an abundant potential source of electric power. A detailed analysis by the Department of Energy's Pacific Northwest Laboratory in 1991 estimated the energy potential of the U.S. wind resource at 10.8 trillion kilowatt hours annually, or more than three times total current U.S. electricity consumption. Wind energy is a clean resource that produces electricity with virtually no carbon dioxide emissions. There is nothing limited or controversial about this source of energy. Americans need only to make the necessary investments in order to capture it for power.

The Production Tax Credit, section 45 of the Internal Revenue Code was enacted as part of the Energy Policy Act of 1992. This tax credit is a sound low-cost investment in an emerging sector of the energy industry. I introduced the first bill that contained this tax credit, so you can be sure that I am sincere in my belief in the need to develop this resource. This tax credit currently provides a 1.5 cent per kilowatt hour credit for energy produced from a new facility brought on-line after December 31, 1993 and before July 1, 1999 for the first ten years of the facility's existence. Last Fall, I introduced a bill to extend this tax credit for five years. My legislation, S. 1459, currently has 22 cosponsors, including half of the Finance Committee. The House companion legislation, introduced by Congressman Thomas, currently has 90 cosponsors, including over half of the Ways and Means Committee. These numbers are a strong testament to the importance of the section 45, and renewable fuels in general.

In addition, I plan to work to expand this tax credit to allow use of the closed-loop biomass portion of this tax credit. Switchgrass from my state and other Midwestern states, eucalyptus from the South, and other biomass, can be grown for the exclusive purpose of producting energy. This is a productive use of our land, and will be an important step in our use and development of alternative and renewable fuels.

I was very pleased to see that Congress expressed its understanding of the importance of alternative and renewable fuels by extending the ethanol tax credit in this year's T–2 legislation. These tax credits are a successful way of promoting alternative sources of energy. These tax credits are a cheap investment with high returns for ourselves, our children, our grandchildren and even their grandchildren. Congress needs to again pass this important legislation to ensure that these energy tax credits are extended into the century.

Mr. MURKOWSKI. I concur with my colleagues. Implementation of the 1990 Clean Air Act amendments is creating a real need to develop clean alternative fuels.

For example, of the 64 remaining U.S. coke batteries, 58 are subject to closure as a result of the Clean Air Act. The steel industry can either use limited capital to build new clean coking facilities or they can choose to import coke from China, which uses 50 year old highly pollutant technologies. Restoring the section 29 credit to encourage cleaner coker technologies will greatly reduce emissions and will slow our increasing dependence on foreign coke, at the same time creating jobs in the United States in both the steel and coal mining industries.

In addition, the United States has rich deposits of lignite and sub-bituminous coals. There are new technologies that can upgrade these coals to make them burn efficiently and economically, while at the same time significantly reducing air pollution.

This is proven technology, but to make the development of this technology throughout the nation feasible, the Congress needs to provide tax incentives.

Mr. ENZI. The people of Wyoming have always had very strong ties to our land. That is why the words ''Livestock, Oil, Grain and Mines'' appear on our state seal. Those words clearly reflect the importance of our natural resources to the people of my state, and our commitment to using our abundant natural resources wisely and for the benefit of current and future generations of Wyomingites and the people of this country.

Congress has determined the need to find newer and cleaner technologies. Wyoming is blessed with an abundance of clean burning coal reserves. It would seem to be a perfect match. We are eager to provide what is needed for our country's present and future fuel needs. But those reserves aren't likely to be developed unless we provide the incentives necessary to make it possible for the coal to be harvested in a safe and environmentally friendly manner.

Mr. ABRAHAM. I concur with my colleagues. The development and production of alternative fuels provides a real opportunity for the country to improve the environment while ensuring a constant, reasonably priced fuel supply. But recent efforts to provide such assurances have been hampered. For example, in the Small Business Job Protection Act of 1996, Congress extended the placed-in-service date for facilities producing synthetic fuels from coal, and gas from biomass for eighteen months.

However, progress in bringing certain facilities up to full production has been hampered by the Administration's 1997 proposal to shorten the placed-in-service date and because, in many cases, the technology used to produce the fuels is new. Such delays have created uncertainty regarding the facilities eligibility under the placed-in-service requirement of section 29.

While it is important that the Congress consider again this issue in the 106th Congress, I would also urge the Secretary to consider the facilities I mentioned qualified under Section 29 if they met the Service's criteria for placed-in-service by June 30, 1998 whether or not such facilities were consistently producing commercial quantities of marketable products on a daily basis.

Mr. CONRAD. I agree with my colleagues. Through the section 29 tax credit for nonconventional fuels, Congress has supported the development of environmentally friendly fuels from domestic biomass and coal resources. There are lignite resources in my state that could compete in the energy marketplace if we can find a reasonable incentive for the investment in the necessary technology. As soon as possible in the 106th Congress, I hope we will give this crucial subject the attention it deserves.

Mr. HATCH. I concur with my colleagues. This is a very important tax credit for alternative fuels. It is an issue of fairness, not one of corporate welfare.

Earlier this year I, along with 18 of my colleagues, introduced a bill that would extend for eight months the placed-in-service date for coal and biomass facilities. The need still exists to extend this date and I am very disappointed that this was not included.

Mr. BAUCUS. Mr. President, I want to join my colleagues in supporting tax incentives for alternative fuels. Our country has assumed a leadership role in the reduction of greenhouse gases because of the global importance of pollution reduction. As my colleagues have also pointed out, promotion of alternative fuels is not just an environmental issue, but an issue important to our domestic economy and independence as well. We cannot afford to slip back toward policies which will leave us dependent upon foreign sources of oil for our economic growth.

With the huge reserves of coal and lignite in the United States and around the world, as well as the tremendous potential for use of biomass, wind energy, and other alternatives, it is particularly important to our economy and the world's environment that new, more environmentally friendly fuels are brought to market here and in developing nations.

But bringing new technologies to market is financially risky. In particular, finding investors to take a new technology from the laboratory to the market is difficult because so many technical problems need full-scale testing and operations to resolve. Few investors are prepared to take on the risks associated with bringing a first-of-a-kind, full-

sized alternative energy production facility on-line without some level of security provided by a partnership with the federal government.

Tax incentives represent our government's willingness to work with the private sector as a partner to bring new, clean energy technologies to the market. These incentives demonstrate our country's commitment to the future.

Mr. GRAHAM. There are two principal reasons I support extension of sections 29 and 45. First, in a period where America is continuing to increase its dependence on foreign oil, we need to develop alternative fuel technologies to prepare for the day when foreign supply of oil is reduced. These tax credits have spurred the production of fuel from sources as diverse as biomass, coal, and wind. America will desperately need fuel from these domestic sources when foreign producers reduce imports. Second, the alternative fuels that earn these tax credits are clean fuels. For example, the capture and reuse of landfill methane prevents the methane from escaping into the atmosphere. I will support my colleagues in an effort next year to extend these provisions.

Mr. THURMOND. I join my colleagues in support of extending the tax credit for Fuel Production from Nonconventional Sources. Through this credit, Congress has emphasized the importance of establishing alternative energy sources, furthering economic development, and protecting the environment. The alternative fuels credit strikes a proper balance between each of these objectives. I support efforts to bring this issue to a satisfactory conclusion, early in the next Congress.

Mr. THOMAS. I strongly agree with my colleagues regarding the importance of the Section 29 tax credit. Wyoming has some of the nation's largest coal reserves and this tax credit gives producers an incentive to develop new and innovative technologies for the use of coal. I am disappointed that an extension of the Section 29 tax credit was not included in the Omnibus Appropriations package and urge my colleagues to make this matter a top priority during the 106th Congress.

Mr. ROTH. I understand my colleagues' concerns. For some time now I have been studying how to provide targeted incentives to develop clean alternative fuels. It is essential for Congress to develop sound tax policy for alternative energy to help protect our environment. Several weeks ago, I introduced legislation to provide such incentives for facilities that produce energy from poultry waste. I look forward to working with my colleagues on these issues early in the 106th Congress.●

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

S. 415. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

ARIZONA STATEHOOD AND ENABLING ACT AMENDMENTS

● Mr. KYL. Mr. President, this Sunday, February 14, 1999, marks the eighty-seventh anniversary of the granting of statehood to the great state of Arizona. On this historic occasion, I propose to amend, with the attached bill, the act of Congress which in 1910 set in motion Arizona's entry into the Union. The proposed amendment makes two small but important modifications to the Arizona Enabling Act relating to the administration of state trust funds. These changes have been requested by Governor Hull, the state legislature, and the citizens of Arizona.

Mr. President, the Arizona Enabling Act required the state to establish a permanent fund collecting the proceeds of the sale of trust land and the land's mineral and other natural products. The principal of the fund is not expendable for any purpose. Instead, it is invested in interest-bearing securities, and the interest is used to support the financial needs of the beneficiaries.

Mr. President, Arizona is currently prevented from maximizing the benefits of the permanent fund. The state could improve management, and generate more revenues for the beneficiaries, by gaining authorization to invest part of the fund in stocks, and to reinvest some earnings to offset inflation. This amendment would allow the state treasurer to preserve the real value of the fund by reinvesting an amount equal to the rate of inflation, thereby providing higher payments to beneficiaries over time. This amendment is similar to the change that was granted to New Mexico in 1997. It was approved by Arizona voters on November 3, 1998.

Mr. President, the second modification to the Arizona Enabling Act contained in this bill would allow the state to expend monies from the Miners' Hospital Endowment Fund to benefit the Arizona Pioneers' Home. Current law prohibits the commingling of funds associated with state-trust lands. Insufficient funds exist in the Miners' Hospital Endowment Fund to build and operate a separate hospital for disabled miners, but disabled miners have been cared for at the Arizona Pioneers' Home since 1929. Miners who meet the statutory admission requirements for the Hospital for Disabled Miners will continue to be admitted to the Arizona Pioneers' Home on a priority basis.

Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 415

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 ''Arizona Statehood and Enabling Act Amendments of 1999''.

SEC. 2. PROTECTION OF TRUST FUNDS OF STATE OF ARIZONA.

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574, chapter 310) (as amended by section 2 of Public Law 85–180 (71 Stat. 457)) is amended in the first paragraph by adding at the end the following: ''The trust funds (including all interest, dividends, other income, and appreciation in the market value of assets of the funds) shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 10, Section 7 of the Constitution of the State of Arizona.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 25 of the Act of June 20, 1910 (36 Stat. 573, chapter 310), is amended in the proviso of the second paragraph by striking ''the income therefrom only to be used'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 28 and shall be used''.

(2) Section 27 of the Act of June 20, 1910 (36 Stat. 574, chapter 310), is amended by striking ''the interest of which only shall be expended'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 28 and shall be expended''.

SEC. 3. USE OF MINERS' HOSPITAL ENDOWMENT FUND FOR ARIZONA PIONEERS' HOME.

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574, chapter 310) (as amended by section 2 of Public Law 85–180 (71 Stat. 457)) is amended in the second paragraph by inserting before the period at the end the following: '', except that amounts in the Miners' Hospital Endowment Fund may be used for the benefit of the Arizona Pioneers' Home''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on June 20, 1910.

SEC. 4. CONSENT OF CONGRESS TO AMENDMENTS TO CONSTITUTION OF STATE OF ARIZONA.

Congress consents to the amendments to the Constitution of the State of Arizona proposed by Senate Concurrent Resolution 1007 of the 43rd Legislature of the State of Arizona, Second Regular Session, 1998, entitled ''Senate Concurrent Resolution requesting the Secretary of State to return Senate Concurrent Resolution 1018, Forty-Third Legislature, First Regular Session, to the Legislature and submit the Proposition contained in Sections 3, 4, and 5 of this Resolution of the proposed amendments to Article IX, Section 7, Article X, Section 7, and Article XI, Section 8, Constitution of Arizona, to the voters; relating to investment of State monies'', approved by the voters of the State of Arizona on November 3, 1998.●

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 416. A bill to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; to the Committee on Energy and Natural Resources.

A SOLUTION FOR SISTERS

● Mr. SMITH of Oregon. Mr. President, today I am proud to introduce legislation that will enable the city of Sisters, Oregon, to obtain Federal lands for the purpose of constructing a sewage treatment facility. The federal government will benefit directly from this facility, and we have the opportunity to show that we can be good neighbors and help solve local problems. This legislation, and the approach I have taken to provide a funding mechanism to benefit natural resources in the area, has broad support in the local community and the surrounding region.

The city of Sisters, Oregon, is facing both environmental and public health problems due to the lack of a sewer system. Currently, all of the homes and businesses inside the city limits must use septic systems. In the summer, in order to accommodate tourists who often recreate in the surrounding federal lands, the city must place approximately sixty portable toilets throughout the town. Deschutes County has

had to develop alternatives to established regulations for septic systems in order to continue use of some properties.

There are ongoing concerns about a possible outbreak of infectious diseases from failed and leaking septic systems, and of groundwater contamination. Obviously, this is a situation that cannot continue.

Fortunately, the city has risen to the challenge. In 1998, the 775 residents of Sisters voted to issue up to seven million dollars in bonds to construct a sewer system and a wastewater treatment facility to service their municipality. This vote was noteworthy because Sisters is the fourth most economically depressed city in Oregon. Sixty-one percent of the town's residents are considered low to moderate income and the average annual income is $17,188.

While the city has put together a financing package of approximately twelve million dollars, this financing package does not include funds for land acquisition. Additional funds to acquire the land for the treatment facility and for the disposition of the treated wastewater are beyond the resident's ability to pay, and pose a huge financial burden. There is a long-standing recognition in federal law, both in the Townsite Act and in the Recreation and Public Purposes Act, that in some instances the transfer of land out of federal ownership to serve community objectives outweighs the goals of maintaining such a tract in federal ownership.

This is definitely one of those cases. The city of Sisters is literally surrounded by land managed by the Forest Service. After examining numerous other non-federal sites in or near the city, it was determined that this parcel is large enough, and has the proper soil conditions for disposing of the treated wastewater.

I am proud to sponsor legislation that will not only resolve the city's public health threat, but will benefit all the parties involved. My bill calls for the Forest Service to convey land for the facilities at no cost to the city of Sisters. The legislation also stipulates that, at the option of the United States, the land would revert to the Forest Service upon termination of the specified uses.

In return, the Forest Service will benefit from the treatment facilities themselves, as well as from improved environmental conditions. The Forest Service currently maintains eleven separate septic systems in the city to serve existing administrative buildings. Since the Forest Service administers seventy-seven acres of land within the city limits, the federal government will benefit from the expected increase in land values directly attributable to the sewer system.

In order to capture some of this enhanced value for the benefit of the environment, the Forest Service will also be required to sell no less than six acres of the unimproved administrative lands within the city limits. The bill stipulates that the sale be at fair market value within three years of the enactment of the Act.

Most of the revenue from this sale will be used for activities which are directly related to improving the long-term conditions in the watershed of Squaw Creek, a tributary of the Deschutes River. The remainder, not to exceed twenty-five percent, may be used for administrative improvements by the Sisters Ranger District.

My legislation makes sense. It is a win-win solution that helps both the community of Sisters and the environment. I urge my colleagues to support its early consideration by the Senate.

Mr. President, I ask that the text of the bill be included in the RECORD.

The bill follows:

S. 416

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the city of Sisters, Oregon, faces a public health threat from a major outbreak of infectious diseases due to the lack of a sewer system;

(2) the lack of a sewer system also threatens groundwater and surface water resources in the area;

(3) the city is surrounded by Forest Service land and has no reasonable access to non-Federal parcels of land large enough, and with the proper soil conditions, for the development of a sewage treatment facility;

(4) the Forest Service currently must operate, maintain, and replace 11 separate septic systems to serve existing Forest Service facilities in the city of Sisters; and

(5) the Forest Service currently administers 77 acres of land within the city limits that would increase in value as a result of construction of a sewer system.

SEC. 2. CONVEYANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall convey to the city of Sisters, Oregon, at no cost to the city except the cost of preparation of any documents required by any environmental law in connection with the conveyance, the parcel of land described in subsection (b).

(b) LAND DESCRIPTION.—The land described in this subsection is the parcel of land located in—

(1) the SE quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, and the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, that lies east of Three Creeks Lake Road, but not including the westernmost 500 feet of that portion; and

(2) the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes County, Oregon, lying easterly of Three Creeks Lake Road.

(c) CONDITION.—The conveyance under subsection (a) shall be made on the condition that the city agree to conduct a public process before the final determination is made regarding land use for the disposition of treated effluent.

(d) SPECIAL USE PERMIT.—Not later than 120 days after the date of enactment of this Act, in compliance with applicable environmental laws (including regulations), the Secretary shall issue a special use permit for the land conveyed under subsection (a) that allows the city access to the land for the purpose of commencing construction of the sewage treatment plant.

(e) USE OF LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used by the city for a sewage treatment facility and for the disposal of treated effluent.

(2) OPTIONAL REVERTER.—If at any time the land conveyed under subsection (a) ceases to be used for a purpose described in paragraph (1), at the option of the United States, title to the land shall revert to the United States.

SEC. 3. SALE OF ADMINISTRATIVE LAND.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Act, and notwithstanding any other provision of law, the Secretary shall sell, at fair market value, not less than a total of 6 acres of unimproved land in the city that is currently designated for administrative use. There are authorized to be appropriated such sums as are necessary to prepare the sale.

(b) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale under subsection (a) in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(c) USE OF PROCEEDS.—

(1) IN GENERAL.—Funds deposited under subsection (b) shall be available for expenditure, without further Act of appropriation, as follows:

(A) Not more than 25 percent shall be available for administrative improvements at the Sisters Ranger District.

(B) The remainder shall be available for purposes that are directly related to improving the long-term condition of the watershed of Squaw Creek, a tributary of the Deschutes River, Oregon.

(2) METHOD OF EXPENDITURE.—The supervisor of the Deschutes National Forest may expend funds deposited under subsection (b) directly or may provide the funds in the form of grants to local watershed councils, including the Working Group (as defined in section 1025(a) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4226)).●

By Mr. MOYNIHAN:

S. 417. A bill to amend title 28 of the United States Code to bar any civil trial involving the President until after the President vacates office, but to allow for sealed discovery during the time the President is in office; to the Committee on the Judiciary.

LEGISLATION TO LIMIT FUTURE PRESIDENTS' EXPOSURE TO CIVIL LAWSUITS WHILE HOLDING OFFICE

● Mr. MOYNIHAN. Mr. President, today I rise to introduce a bill that is aimed at averting much of what has happened over nearly two months of this year and all of the last by amending Title 28 of the United States Code. Modeled on our existing Soldiers and Sailors Civil Relief Act of 1940 that forbids civil lawsuits being filed by or against our men and women while they are in uniform, my bill seeks to protect future sitting Presidents from the ravages of civil litigation arising from acts taken or deeds done before they assumed office.

I do not do this to insulate our current President but to accept an invitation Justice Stevens and his colleagues extended to us nearly two years ago in the case of Jones versus Clinton when the Supreme Court held that a sitting President could be sued civilly for acts he allegedly committed before assuming office. In that opinion, Justice Stevens wrote that it was up to Congress,

not the Supreme Court, to afford a sitting President more protection from civil lawsuits.

But this bill is not about President Clinton. For as Edmund Burke observed when analyzing the causes of the political discontents of the 1760s in England ''this system has not arisen soley from the ambitions of Lord Butte . . . we should have been tried with it if the Earl of Butte had never existed.''

As Justice Robert Jackson pointed out over forty years ago, the Presidency concentrates this nation's Executive authority in a single person whose choice the entire nation has a part, making him the force of public hope and expectations and whose decisions so far overshadow any other that ''almost alone he fills the public eye and ear.'' The Founders fashioned this kind of Presidency because they wanted to focus, not spread, executive responsibility in the hands of a single, constitutionally indispensable, individual. They realized that any interference with a President's ability to carry out his public responsibilities is constitutionally equal to interfering with the ability of the entire Congress or the whole Judiciary to carry out their public obligations.

Moreover, the Presidency is the only office that the Constitution requires to be always functioning. It knows no recesses or terms. Because of this and the singular import of a President's duties, the diversion of his energies by litigation raises unique risks to the effective functioning of our government.

As Thomas Jefferson warned in a June 20, 1807, letter to George Hay in the midst of Aaron Burr's trial in Richmond, unfettered litigation can pull a sitting President from pillar to post and keep him constantly trudging from north to south and east to west, withdrawing him from his constitutional duties.

On the other hand, I do not believe in the ancient prerogatives of the monarchs who asserted ''the King can do no wrong.'' We rejected this when we formed our republic over 200 years ago. Under my bill, a litigant can still file his or her claim and exercise his or her discovery rights. This will preserve the litigant's claims and evidence but stay his or her ability to conduct a full-blown trial. This can be done after a sitting President leaves office. Then, like any other citizen, he will be subject to the full sway of our courts and their processes.

I do not want to truncate anyone's legal rights or privileges, and my bill does not do so. Rather, it aims to balance these rights with our country's vital need for a focused Chief Executive not being dragged from pillar to post.●

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 418. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

PRIVATE RELIEF BILL

●Ms. COLLINS. Mr. President, I am pleased to join the distinguished senior Senator from the State of Maine, Senator SNOWE, in introducing private relief legislation for Nancy B. Wilson.

By way of background, Al Wilson worked for Liberty Mutual Insurance Company, and he and his wife Edna had two children. In 1945, tragedy stuck the family when Edna suffered a severe mental breakdown and was permanently placed in a mental institution, leaving Al to care for the children.

Five years later, Al met Nancy Butler, who immediately began caring for Al's two young children, as well as her son. Nancy took residence with Al and soon began to raise the children as her own. The eldest child has written that Nancy ''is the person who brought me up in place of my biological mother, who was institutionalized. I think of Nancy as my real mother.''

Al and Nancy wanted to get married, but Al was prohibited from divorcing Edna by a Massachusetts state law. The law barred a divorce for reasons of insanity or institutionalization for insanity. The Congressional Research Service confirmed that a ''divorce could not have been granted under Massachusetts law during the 1960's and 1970's solely because one spouse was insane.''

On April 12, 1969, Edna Wilson died. Twenty days later, on May 2, 1969, Nancy and Al were married. Al died of cancer seven months later on December 5, 1969. Nancy had lived with Al for 19 years.

Upon turning sixty-four years old on March 21, 1991, Nancy applied to the Social Security Administration for survivor insurance benefits from Al's wage earnings. She was refused benefits based upon the limited term of her legal marriage. According to Social Security regulations, a couple must be married for at least nine months for a spouse to collect survivor benefits.

Nancy has exhausted the available legal remedies, taking full advantage of the administrative appeals process. Nancy filed a request for reconsideration and appeared at a hearing before an administrative law judge. On January 28, 1992, the Social Security Administration issued its final decision denying her claim for benefits.

The private relief bill we are introducing would allow Nancy to receive widow's benefits from her husband's earnings. Nancy Wilson was, for all practical purposes, married to Al Wilson. She cohabited with him for nineteen years prior to their marriage. She raised his children, allowing him to work and accumulate a Social Security benefit. Nancy and Al were legally prevented from marrying by Massachusetts state law, even though his marriage with his first wife had essentially ended.

Mr. President, the unique circumstances of Mrs. Wilson epitomize why Congress has the power to enact private relief legislation. Her situation fulfills the intent of the Social Security Act. Al and Nancy were prohibited from marrying; clearly they would have if the law allowed them to do so. This unique situation is an exception that will not be repeated. Since their marriage, a no-fault divorce statute has been enacted in Massachusetts, which prevents this situation from occurring again. Mrs. Wilson's case is a compelling one which we believe the Senate should alleviate.●

By Ms. SNOWE:

S. 420. A bill to provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners; to the Committee on the Judiciary.

LEGISLATION TO ESTABLISH MANDATORY MINIMUM SENTENCES FOR STATE CRIMES INVOLVING THE USE OF A FIREARM.

● Ms. SNOWE. Mr. President, I rise today to introduce a bill which will establish a mandatory minimum sentence for State crimes involving the use of a firearm. This bill also imposes work requirements for prisoners and prohibits the government from providing such amenities as televisions, stereos, or other amenities in the cell of any inmate.

As a staunch supporter of the 2nd Amendment, I believe laws are needed to punish criminals, without imposing on a law-abiding person's right to own a firearm. This legislation would not apply to individuals who use a firearm in self-defense. It applies only to criminals who are convicted of committing a crime of violence which is punishable for a year in jail. Because it is not illegal to defend oneself, individuals who use firearms in self-defense are not subject to the provisions of this bill, nor would they be incarcerated for a year or more for properly defending themselves. This bill states clearly that the sentences apply only after a criminal is convicted of a crime. As such, this bill poses absolutely no threat to individuals who use firearms legally, including as a means to defend themselves.

The most important domestic function of the Federal government is the protection of the personal security of individual Americans through the enactment and enforcement of laws against criminal behavior. Tough Federal laws, such as mandatory minimum prison sentences for violent crimes committed with a firearm and truth-in-sentencing, would serve as deterrents to persons who might be disposed to commit violent crimes.

It is also important to keep in mind, the penalties of this bill apply only after a criminal has been convicted, they are not available to a prosecutor until after the state investigation has been completed and the case is closed. Therefore, federal law enforcement agencies are given no role in the state's investigation and no authority in state jurisdictions. This prevents Federal

Agencies from imposing itself on the jurisdictions of the states. In addition, my bill clearly states that the bill is not intended to supplant the efforts of states to curtail violent crime and that the Attorney General must given ''due deference'' to state and local prosecutors in their work.

This legislation is also needed to ensure prisons remain punitive and do not digress further into vacation locations. With passage of this legislation, the Attorney General will implement and enforce regulations mandating prison work for all able-bodied inmates in Federal correctional institutions. These regulations will also prohibit the Federal Government from providing televisions, radios, stereos, and other similar amenities in the cell of any inmate.

I would encourage my colleagues, who are serious about combating crime, to join me as a co-sponsor of this important legislation.●

By Mr. KYL (by request):

S. 421. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

THE GILA RIVER INDIAN COMMUNITY—PHELPS DODGE CORPORATION WATER RIGHTS SETTLEMENT ACT OF 1999

● Mr. KYL. Mr. President, I rise today to introduce a bill to authorize an Indian water rights settlement agreement that was entered into on May 4, 1998 by the Gila River Indian Community of Arizona and the Phelps Dodge Corporation.

This bill is identical to the legislation I introduced in the last session of Congress. As I said upon introduction last year, this particular settlement is part of a much larger, comprehensive settlement process that will eventually settle all claims of the Gila River Indian Community. I strongly endorse the settlement process and want to encourage all parties to continue their negotiations. Although I am introducing this measure today as free-standing legislation, it is inextricably linked to the outcome of the rest of the negotiations. So while I am encouraged by the settlement process, I am not yet comfortable with pieces of it moving independently.

As I did last session, I put this bill on the table so that all interested parties may have a document around which to gather and continue their conversations. While this particular piece of the settlement may be further along than others, I do not want to see pieces move separately. My preference is that the parties arrive at a comprehensive settlement that fully and finally addresses all aspects of the Gila River Indian Community's claim.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 421

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

SECTION 1. SHORT TITLE.

This title may be cited as the ''Gila River Indian Community-Phelps Dodge Corporation Water Rights Settlement Act of 1999'' and is herein referred to as ''this Act.''

SEC. 2. PURPOSE.

It is the purpose of this Act—

(a) to ratify, approve and confirm the Settlement Agreement among the Gila River Indian Community, Phelps Dodge Corporation, and the United States of America;

(b) to authorize and direct the Secretary of the Interior to execute and perform his duties under the Settlement Agreement and this Act; and

(c) to authorize and direct the Secretary to perform certain actions which will assist in achieving a settlement of the water rights claims of certain Indian tribes in the Little Colorado River Basin in Arizona.

SEC. 3. DEFINITIONS.

As used in this Act, the following terms have the following meaning—

(a) ''Allottees'' shall mean the owners of beneficial interests in allotted land within the Gila River Indian Reservation.

(b) ''Blue Ridge Reservoir'' means that Reservoir in Navajo County, Arizona, owned by Phelps Dodge, as more fully described in the Settlement Agreement.

(c) ''CAP'' shall mean the Central Arizona Project, a reclamation project constructed by the United States pursuant to the Colorado River Basin Project Act of September 30, 1968, 82 Stat. 885, as amended.

(d) ''CAWCD'' shall mean the Central Arizona Water Conservation District, a political subdivision of the State of Arizona, which has executed a contract to repay to the United States the reimbursable costs of the CAP.

(e) ''Community'' shall mean the Gila River Indian Community, an Indian community organized under Section 6 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 987, duly recognized by the Secretary, and its members.

(f) ''Community's CAP Contract'' shall mean that contract between the Gila River Indian Community as the United States, dated October 22, 1992, providing for the delivery to the Gila River Indian Community of up to 173,100 acre-feet per annum of CAP water.

(g) ''Globe Equity No. 59'' shall mean the decree entered June 29, 1935, in that action styled as The United States of America v. Gila Valley Irrigation District, et al., Globe Equity No. 59 in the District Court of the United States in and for the District of Arizona, as amended and supplemented.

(h) ''Hopi Tribe'' shall mean the federally recognized Indian tribe of that name.

(i) ''Navajo Nation'' shall mean the federally recognized Indian tribe of that name.

(j) ''Phelps Dodge'' shall mean Phelps Dodge Corporation, a New York corporation, its subsidiaries, affiliates, predecessors, successors and assigns.

(k) ''Pueblo of Zuni'' shall mean the federally recognized Indian tribe of that name.

(l) ''Reservation'' shall mean the Gila River Indian Reservation, as it existed on the Initial Effective Date of the Settlement Agreement, as shown on the map attached to the Settlement Agreement as Exhibit ''B'' thereto.

(m) ''San Juan Southern Paiute Tribe'' shall mean the federally recognized Indian tribe of that name.

(n) ''Secretary'' shall mean the Secretary of the Interior or his lawful designee.

(o) ''Settlement Agreement'' shall mean that agreement dated as of May 4, 1998, among Phelps Dodge, the Community and the United States.

(p) ''SRP'' shall mean the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona, and the Salt River Valley Water Users' Association, an Arizona corporation.

(q) ''United States'' shall mean the United States of America, in its capacity as trustee for the Community and of the Reservation; as trustee for the Allottees and of allotted lands on the Reservation; and, with respect to Section 5.2 of the Settlement Agreement, in all other capacities required in order to execute the agreements and other instruments and to take the actions referred to in Section 5.2 of the Settlement Agreement, including acting for the part of Defense Plant Corporation.

SEC. 4. APPROVAL OF SETTLEMENT AGREEMENT.

The Settlement Agreement is ratified, approved and confirmed. The Secretary shall execute the Settlement Agreement within sixty days of the enactment of this Act and shall perform all of the Secretary's duties thereunder as provided herein and in the Settlement Agreement.

SEC. 5. TRANSFER OF RESERVOIRS.

The Secretary shall take all actions specified in Section 5.0 of the Settlement Agreement necessary on the Secretary's part to obtain title to Blue Ridge Reservoir from Phelps Dodge. The title to Blue Ridge Reservoir, once acquired by the Secretary, shall be held by the Secretary in trust for the benefit of the Navajo Nation. In connection with the Secretary's performance of his obligations under Section 5.0 of the Settlement Agreement, the Navajo Nation, the Hopi Tribe, the San Juan Southern Paiute Tribe, the Pueblo of Zuni, and the United States, on behalf of each of them, are authorized to execute waivers of claims against Phelps Dodge and agreements not to object to certain uses of water by Phelps Dodge in substantially the form of Exhibits ''E'' and ''J'' to the Settlement Agreement, which waivers and agreements are hereby ratified, approved and confirmed. The Navajo Nation, and the United States on behalf of the Navajo Nation, is further authorized to enter into an agreement with the Arizona Game & Fish Department confirming a minimum pool of water in Blue Ridge Reservoir and for other purposes in substantially the form of Exhibits ''G'' and ''I'' to the Settlement Agreement, which agreements are hereby ratified, approved and confirmed.

SEC. 6. REALLOCATION OF CAP WATER.

Simultaneously with the transfer of Blue Ridge Reservoir to the United States as provided for in Section 5 of this Act, the Secretary shall: (i) reallocate to the Community 12,000 acre-feet of the CAP water available to the Secretary pursuant to Section 406(b) of Title IV of Public Law 101–628, 104 Stat. 4483; (ii) amend the Community's CAP Contract to include the CAP water reallocated to the Community pursuant to this Section 6; and, (iii) amend the Community's CAP Contract to extend the term thereof to 100 years, plus such additional term as may result from the exercise of the option provided for in, or other extension of, the Lease referred to in Section 7 of this Act.

(a) All water service capital charges and other capital charges of any nature associated with the CAP water reallocated to the Community pursuant to this Section 6 shall be non-reimbursable to the United States by the Community.

(b) All water service capital charges and other capital charges of any nature associated with 10,000 acre-feet of that CAP water currently available to the Community under the Community's CAP Contract which shares

a priority with 510,000 acre-feet of non-Indian municipal and industrial CAP water shall be non-reimbursable to the United States by the Community.

(c) For purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract Number 14–0906–09W–09245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, all of the water service capital charges and other capital charges of any nature associated with the water described in Subsections 6(a) and 5(b) hereof shall be non-reimbursable and shall be excluded from CAWCD's repayment obligation.

(d) The United States shall either:

(1) not charge operation, maintenance, and replacement (OM&R) charges to the Community on the first 8,000 acre-feet of CAP water made available to the Community pursuant to this Act, and shall itself pay any such charges as are associated with such 8,000 acre-feet of CAP water; or

(2) charge the Community only that portion of the OM&R charges associated with electrical energy pumping for the entire 12,000 acre-feet of CAP water made available to the Community pursuant to this Section 6, and shall itself pay all other OM&R charges associated with such 12,000 acre-feet of CAP water.

(e) In the event the CAP water made available to the Community pursuant to this Act is leased to Phelps Dodge as provided for in Section 7 hereof, the charges by the United States to Phelps Dodge for such water when delivered under the Lease shall be as provided in subsections (d)(1) or (d)(2) of this Section 6.

(f) In the event the exchange provided for in Section 8 of this Act is not approved, the Secretary shall reallocate to Phelps Dodge 8,000 acre-feet of the CAP water referred to in subsection 6(b) hereof, shall amend the Community's CAP contract to reflect such reallocation, and shall enter into a contract with Phelps Dodge for permanent service for the delivery of such water to Phelps Dodge through the works of the CAP. The CAP water shall be free of all capital charges as provided in subsections 6(b) and 6(c) of this Act. The United States shall charge Phelps Dodge OM&R charges for such water only as provided in either subsections 6(d)(1) or 6(d)(2) hereof and shall itself pay such portions of the OM&R charges as are not paid by Phelps Dodge.

(g) the provisions of Section 226 of Public Law 97–293, 96 Stat. 1273, 43 U.S.C. §485h(f) shall not apply to actions taken by the Secretary pursuant to Sections 6, 7 or 8 of this Act.

SEC. 7. CAP WATER LEASE.

The Lease referred to in Section 7.0 of the Settlement Agreement and attached thereto as Exhibit ''M'' is hereby ratified, approved and confirmed. Notwithstanding the preceding sentence, the Lease shall not be effective as to the United States, and the Secretary shall not execute the Lease, until all environmental compliance associated with the Secretary's execution of the Lease has been completed and the exchange referred to in section 8 of this Act has been approved as provided in that Section. In the event the Lease becomes effective, the Secretary and the Community may renew or extend the Lease at the end of the initial term, or any extended term of the Lease provided for in the initial Lease, upon such terms as the Community, the Secretary and Phelps Dodge may agree, provided that any such renewal or extension shall not exceed 100 years in term. Subject to the completion of environmental compliance, CAP water made available pursuant to the Lease may be used in the manner and at the locations provided for therein, including exchange for use in any county in Arizona outside the CAWCD service area.

SEC. 8. EXCHANGE AGREEMENT.

The Secretary and the Community are authorized to enter into an exchange agreement with Phelps Dodge pursuant to which the CAP water leased to Phelps Dodge by the Community under the Lease authorized under Section 7 hereof is delivered by Phelps Dodge to the Community in return for the right to divert water from the Gila River upstream of the Reservation. The term of any such exchange agreement, if approved as required by this Section 8, shall be for 100 years, plus any additional term occasioned by the exercise of the option contained in the Lease or other extension authorized in the Lease or this Act. The Secretary shall commence negotiations with respect to the exchange agreement forthwith upon the enactment of this Act and shall process all environmental compliance associated with the exchange agreement and the Lease in an expeditious manner. The Secretary shall not executive the exchange agreement until all such environmental compliance has been finally concluded as provided in the Settlement Agreement and any necessary order approving the exchange, or any aspect of the exchange, has been obtained from the United States District Court in Globe Equity No. 59 and the order is final and subject to no further appeal.

SEC. 9. APPROVAL OF WAIVERS.

The waivers set forth in Section 9.0 of the Settlement Agreement shall be effective, and shall be binding upon, the Community, and the United States, on behalf of the Community and the Allottees, from and after the date either of the conditions set forth in Section 4(c) of the Settlement Agreement occurs. The United States is authorized and directed to execute the Settlement Agreement on behalf of the Allottees in its capacity as trustee for the Allottees and of allotted lands on the Reservation, and the Settlement Agreement shall be binding upon the Allottees.

SEC. 10. MISCELLANEOUS.

(a) Execution of the Settlement Agreement by the Secretary as required by this Act, and the Secretary's performance of the actions necessary to acquire title to Blue Ridge Reservoir for the benefit of the Navajo Nation pursuant to Section 5.0 of the Settlement Agreement shall not constitute major federal actions under the National Environmental Policy Act (42 U.S.C. §4321 et seq.). The Secretary shall carry out all environmental compliance required by Sections 7 and 8 of this Act. Nothing in this Act shall be construed as exempting the United States from carrying out environmental compliance associated with the use of water from Blue Ridge Reservoir by the United States for the benefit of the Navajo Nation in the Little Colorado River Basin in Arizona.

(b) The Navajo Nation, and the United States on behalf of the Navajo Nation, are authorized to enter into an agreement with the Town of Payson, Arizona, and the unincorporated communities of Pine and Strawberry, Arizona (''the Towns'') or any one of them, to subordinate water rights held in Blue Ridge Reservoir by the United States for the benefit of the Navajo Nation to rights to the use of not of exceed a cumulative total of 3,000 acre-feet per annum of water in Blue Ridge Reservoir acquired by the Towns pursuant to the law of the State of Arizona.

(c) The Navajo Nation, and the United States on behalf of the Navajo Nation, are authorized to enter into an agreement with Phelps Dodge to subordinate water rights held in Blue Ridge Reservoir by the United States on behalf of the Navajo Nation to water rights acquired by Phelps Dodge in Blue Ridge Reservoir subsequent to the date of the enactment of this Act pursuant to the law of the State of Arizona for use on land owned by Phelps Dodge around Blue Ridge Reservoir identified in the Settlement Agreement. The term of any such agreement and the consideration to be paid therefor shall be as agreed to among the Navajo Nation and Phelps Dodge.

(d) With regard to the environmental compliance required for the actions contemplated in Sections 7 and 8 of this Act, the Bureau of Reclamation shall be designated as the lead agency, and shall coordinate and cooperate with the other affected federal agencies as required under applicable federal environmental laws.

(e) The Secretary and the Community are authorized to execute any amendments of the Settlement Agreement and to perform any action required by any amendments to the Settlement Agreement which may be mutually agreed upon by the parties.

(f) Except for the waivers authorized by Section 5 of this Act, nothing in this Act or the Settlement Agreement shall be construed to quantify or otherwise affect the water rights, claims or entitlement to water of any Arizona tribe, band or community or of any claimant in the Gila River Adjudication, other than the Community, the United States on behalf of the Community and the Allottees, and Phelps Dodge.

(g) Any party to the Settlement Agreement, and to the Lease and the exchange agreement referred to in Sections 7 and 8 hereof, respectively, if the same are approved, may bring an action or actions exclusively in the United States District Court for the District of Arizona for the interpretation and enforcement of this Act, the Settlement Agreement, the Lease and the exchange agreement, naming the United States and the Community as parties, and in any such action or actions, any claim by the United States or the Community to sovereign immunity from suit is hereby waived.●

By Mr. MURKOWSKI:

S. 422. A bill to provide for Alaska state jurisdiction over small hydroelectric projects; to the Committee on Energy and Natural Resources.

ENERGY LEGISLATION

● Mr. MURKOWSKI. Mr. President, I am today introducing legislation to allow the State of Alaska to take responsibility for regulating small (5 megawatts or less) hydroelectric projects located in Alaska. This legislation is identical to section 1 of S. 439 in the 105th Congress, which was reported unanimously by the Committee on Energy and Natural Resources and was passed unanimously by the Senate. Unfortunately, because the Senate passed the legislation late in the session, the House did not have time to act before Congress adjourned.

Let me describe why this legislation is needed. Simply put, FERC's licensing process is too expensive and too cumbersome for many small hydroelectric projects in Alaska. For a large project costing tens or hundreds of millions of dollars the burden of obtaining a FERC license is large, but relatively small as compared to the total cost. However, for a small project located in a remote region of Alaska, FERC's licensing process is a major problem. All

too often, the burden of the licensing process alone dooms an otherwise economically viable and environmentally beneficial project. And those small hydro projects it does not doom, FERC's process increases significantly their cost—which is just passed on to consumers in terms of higher electricity rates.

For other States this may not be very significant, but it is for Alaska. Alaska already has the most expensive electricity in the United States. Alaska's average residential price of electricity is 36 percent higher than the U.S. average, and in some parts of Alaska the residential price reaches a stunning 43 cents per kilowatt hour—5 times the U.S. average. Why so expensive? Primarily because it is produced by diesel generators, which are both relatively inefficient and use expensive fuel. Compared to diesel generators, hydroelectric power is much less expensive.

It is important to note that hydroelectric power is much more environmentally benign as compared to diesel-fired generation: Hydroelectric generation produces no air emissions as does diesel-fired generation. Thus, anything we can do to promote the construction of hydroelectric projects will also help the environment of Alaska.

In this connection, it is also important to note that this legislation does not exempt Alaska's small hydro projects from regulation. Instead, it allows the State of Alaska to regulate in lieu of FERC. I ask: Who is more interested in the environment of Alaska—Alaskans or a distant FERC? Moreover, the legislation allows Alaska to regulate only after FERC has determined that the State has in place a regulatory program which ''protects the public interest . . . and the environment to the same extent provided by . . . [the FERC].'' Finally, the legislation specifically requires the full application of all ''Federal environmental, natural resources, or cultural resources protection laws. . . .'' Thus, enactment of this legislation will fully protect the environment and the public interest.

In summary, if enacted this legislation will benefit both Alaska's environment and its economy.●

By Mr. McCAIN:

S. 423. A bill to prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes; to the Committee on finance.

ADDICTION FREE TREATMENT ACT

● Mr. McCAIN. Mr. President, today I am introducing the Addiction Free Treatment Act which reforms our nation's drug policy regarding the treatment of heroin addiction.

This bill would restrict Medicaid reimbursements and funding through the Substance Abuse and Mental Health Services Administration for methadone and LAM maintenance programs. Maintenance programs would be limited to six months. The bill requires that such programs conduct regular drug testing, report all results, and terminate methadone treatment to any patient testing positive for any illegal drugs. The legislation directs the National Institute of Drug Abuse to study the methods and effectiveness of non-pharmacological, and methadone-to-abstinence heroin rehabilitation programs, and requires the Center for Substance Abuse Treatment to provide an annual report to Congress on the relative effectiveness of heroin treatment programs in achieving freedom from chemical dependency.

Mr. President, few crises represent a more fundamental threat to the basic institutions of our society then substance abuse and addiction, and there are few drugs that do more harm than heroin. Heroin use in the United States continues to rise. Drug use among teenagers is increasing and the number of teenagers using heroin for the first time is higher than at any other point in our history. Between 1992 and 1996, heroin use among college-age students increased an estimated 10 percent. Currently, there are an estimated 810,000 chronic heroin addicts living in the United States with over 115,000 heroin addicts participating in methadone programs.

Drug addiction undermines family, work, friendships, and communities. The drug trade, which feeds the addict, undermines the security and stability of our neighborhoods through violence and other crime-related phenomena.

At its core, drug addiction does violence to the basic humanity of the addict, robbing him or her of the most fundamental element of their existence—their freedom. The addict is enslaved by the need to get a fix; all other needs become secondary to the physical and psychological drive to feed the hunger of addiction. This enslavement goes to the core of the debate surrounding the use of methadone maintenance as a solution to heroin addiction: What have we done to restore the human condition if we have not freed the addict of chemical dependency?

Methadone maintenance programs simply transfer addiction from one narcotic to another. The methadone patient is every bit as dependent on methadone as he or she was with heroin. Patients who attempt to free themselves from their addiction to methadone experience withdrawal symptoms that are as violent, if not more than, those they would experience coming off of heroin. What is more, even the promise of freedom from illegal drug use is an illusion. For many methadone patients regularly test positive for other illegal drugs. And yet, for some 30 years, the only hope that U.S. policy has offered to our citizens addicted to heroin is an Orwellian addiction swap.

In the 105th Congress, I, along with Senator COATS and Senator COVERDELL, introduced a Senate Resolution addressing the topic of methadone treatment. The resolution was a response to an emerging Clinton Administration policy designed to dramatically increase the federal government's activities in the area of methadone treatment. Barry McCaffrey, the so-called Drug Czar, proposed that ONDCP would double the number of heroin addicts in methadone treatment. Mr. President, this sounds less like the policy of a Drug Czar, and more like the policy of a drug bazaar—a bazaar where the federal government trades places with the street dealer, swapping heroin for methadone and feeding the addiction with taxpayer dollars.

This is disgusting and it is immoral. It does serious harm to the humanity of those people who have mustered the courage to walk into a clinic seeking help to free themselves from addiction. It is the ultimate in cruel irony that our government's first response should be to trade the shackles of heroin for the shackles of methadone.

The fundamental flaw of methadone treatment as a national anti-drug policy is that it is not an anti-drug policy at all. As I have said, methadone simply transfers addiction from one drug to another. To say that this is effective, because the symptoms of methadone addiction are more tolerable to society and less dramatic for the addict, is to miss the most fundamental point—that is that addiction enslaves the individual. That slavery is no less onerous to the basic humanity, to the dignity of the addict simply because the drug has been endorsed by the FDA, prescribed by a physician and paid for with taxpayer dollars.

After 30 years of methadone, is there nothing better to offer to the heroin addict? The answer is an emphatic yes. Drug addiction is a complicated condition. It has behavioral, social/environmental, and physical characteristics. If we are to free individuals from heroin addiction, we must adopt policies supporting programs that address, in an intensive and comprehensive way, each of these areas of concern.

Throughout society, in our homes, neighborhoods, communities, and in public policy fora, there has been much debate surrounding the decay of our civil society. A certain consensus has emerged regarding how best to address this crisis. That consensus centers around the need to rebuild the mediating structures of our society—family, neighborhood, church, and volunteer associations.

If we are to free the addict from the slavery of drug addiction—be it heroin or methadone—rebuilding or, in many cases, introducing for the first time these same mediating structures into the life of the addict must play a central role.

There are models for success. Just ask Rev. Sam McPherson. Rev. McPherson has spent his life tending to the needs of drug addicts. He now runs a Ready, Willing, and Able rehabilitation center on Florida Avenue here in Washington. It is an extraordinary and inspiring place.

Founded on a drug-free principle, Ready, Willing, and Able embraces the addict, first demanding detoxification, and then dealing in a sustained and comprehensive way with the bundle of needs that contributed to the participant's drug use and addiction, and that result in recidivism if left unresolved.

Dr. Robert Woodson, in his recent book ''The Triumphs of Joseph'', describes the many examples of community-based organizations that have succeeded in healing the scourge of drug addiction, lifting people up from the slavery of dependency—people like Freddie and Nina Garcia, who run the Victory Fellowship, based out of San Antonio.

Some thirty years ago, Freddie Garcia and his wife began their operation in a tiny one-bedroom house, at one point moving all their furniture under a make-shift awning outside the house to make room for eleven recovering addicts who slept on their living room floor. Today, the Victory Fellowship has freed more than 13,000 men and women from their addictions and has spread to 65 satellite centers in California, Texas, New Mexico, Peru, Puerto Rico, Columbia and Venezuela.

Dr. Woodson pus it this way: ''In contrast with psychiatric therapy and treatment that relies on medication, the goal of grassroots programs is not rehabilitation but transformation. Their end is not to modify behavior but to engender a change in the values and vision of the people they work with which will, in turn affect behavior . . . they do not simply curb deviant behavior but offer something more—a fulfilling life that eclipses the power of temptation.''

These community-based institutions possess certain common characteristics that can serve as a model for all who seek to address the challenges of addiction:

(1) Their programs are open to all comers. Often, these programs take the worst cases, the long-term, homeless addicts that the ''system'' has abandoned as hopeless.

(2) They have the same zip code as the people they serve. They do their work in the same neighborhoods, on the same streets as the addicts they serve. Reverend McPherson points out one of the pleasant benefits of Ready, Willing and Able: When they come into a neighborhood, the drug dealers go away. They leave because there is an unwritten code. If these guys are trying to get off of heroin, the dealers go somewhere else, taking their trade out of sight of the very addicts they have enslaved.

(3) Their approach is flexible to the needs of the individual. The many behavioral, social/environmental, and physical challenges that contribute to drug addiction are unique to each individual. These organizations develop individualized programs for each individual.

(4) They contain a central element of reciprocity. As Dr. Woodson says: ''They do not practice blind charity but require something in return from the individuals they serve.''

(5) Clear behavioral guidelines and discipline are critical.

(6) These healers fulfill the role of parent, providing authority and structure, but also love and support.

(7) They are committed for the long haul, not just for the duration of funding.

(8) They are on-call 24 hours a day, 7 days a week for as long as the participant needs them.

(9) The healing offers immersion in an environment of care and mutual support with a community of individuals who are trying to accomplish the same changes in their lives.

(10) They are united in their cause, providing mutual support in their struggles, and celebration in their accomplishments.

These concepts are not new. But combined and sustained, they offer hope and success in freeing the addict from a life of chemical dependency. That freedom should be the policy of the United States Government, and the relentlessly pursued goal of everyone concerned with the scourge of heroin addiction.●

By Mr. COVERDELL (for himself, Mr. THURMOND, Mr. SMITH of New Hampshire, Mr. GRASSLEY, and Mr. HELMS):

S. 424. A bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

THE NATIONAL RIGHT TO WORK ACT OF 1999

● Mr. COVERDELL. Mr. President, I am pleased to introduce along with my distinguished colleagues Senators THURMOND, SMITH of New Hampshire, GRASSLEY, and HELMS the National Right to Work Act of 1999.

This bill does not add a single word to Federal law. Rather, it repeals those sections of the National Labor Relations Act and Railway Labor Act that authorize the imposition of forced-dues contracts on working Americans. I believe that every worker must have the right to join or support a labor union. This bill protects that right. But no worker should ever be forced to join a union.

I am happy to say that my own state of Georgia is among the 21 states that is a ''Right to Work'' state and has been since 1947. According to U.S. News and World Report, 7 of the strongest 10 state economies in the nation have Right-to-Work laws. Workers who have the freedom to choose whether or not to join a union have a higher standard of living than their counterparts in non Right-to-Work states. According to Dr. James Bennet, a prominent economist at George Mason University's highly respected economic program, urban families in Right-to-Work states have approximately $2,852 more annual purchasing power than urban families in non-Right to Work states; particularly when the lower taxes, housing and food costs are taken into consideration.

According to a poll by the respected Marketing Research Institute, 77 percent of Americans support Right to Work, and over 50 percent of union households believe that workers should have the right to choose whether or not to join or pay dues to a labor union. That should be no surprise. This is about freedom. The Right to Work expands every working American's personal freedom.

Mr. President, I urge my colleagues to support this legislation. It expands the freedom of hard working Americans and ensures them the choice of whether to accept or reject union representation and union dues without coercion, violence or work-place harassment.●

By Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. BAUCUS, and Mr. KERREY):

S. 425. A bill to require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country; to the Committee on Foreign Relations.

FOOD AND MEDICINE FOR THE WORLD ACT OF 1999

● Mr. ASHCROFT. Mr. President, today, I am introducing, with Senators BROWNBACK, BAUCUS, and KERREY, the Food and Medicine for the World Act of 1999. It's a bill that will help America's farmers, ranchers, and related industries, keep on selling their food and medicine to the world.

For over 200 years, farmers and ranchers have been vital to the growth and economic prosperity of the United States—always responding to the challenges of our competitive free-market system with efficient production methods. The agricultural industry is one of the nation's largest employers. Missouri is the nation's second leading state in its number of farms. Clearly, the agricultural industry is a backbone to Missouri's economy, accounting for more than $4 billion annually.

The United States has the best farmers in the world—first class in their production, storage, transportation, processing, and marketing. We can produce more food than any other country, yet the United States only accounts for five percent of the world's consuming population. That leaves 95 percent of the world's consumers outside of our borders. And because of our farmers' efficiency and ability to meet U.S. domestic demand, they rely increasingly on their ability to sell products in foreign markets.

Exports now account for 30 percent of gross cash receipts for America's farmers, and nearly 40 percent of all U.S. agricultural production is exported. Therefore, it is imperative that we ensure that our farmers have ample export opportunities.

Our farmers and ranchers need our help in opening markets abroad and

keeping those markets open. Once farmers jump through all the hoops of foreign trade barriers and red tape to establish trusted relationships with foreign buyers, the U.S. government should be extremely cautious about sanctioning their sales and forcing them to lose their markets. Many farmers' livelihood depends on sales overseas. In 1997, more than one-fourth of Missouri's farm marketing came from sales overseas.

We know that sanctions hurt America's farmers and ranchers. And we know that sanctions against agriculture and medicine are detrimental to the world's poor that have to live under the rule of tyrants. That is why I am introducing the Food and Medicine for the World Act. This bill tries to ensure that farmers don't get sanctioned for the bad acts of foreign governments, and the health and welfare of the world's poor are not damaged further by their leader's indiscretions.

Under the Food and Medicine for the World Act, whenever any new unilateral sanction is announced by the President, the sanctions he imposes will not affect agriculture or medicine unless he tells Congress why it is necessary to sanction these products and unless Congress approves the sanction. If the Food and Medicine for the World Act is passed, there will not be any more sanctions against U.S. agricultural exports without agreement between the Administration and Congress and without serious deliberation about the effects on America's farmers and ranchers. Our farms should not be sanctioned without the consent of Congress.

The Food and Medicine for the World Act sends a message to customers overseas that U.S. farmers and ranchers will be reliable. People around the world depend on our farm products and on U.S. produced medical supplies. When tyrants challenge U.S. foreign policy, we must not respond by cutting off the supply of food and medicine to their poor. The health and welfare needs of those abroad will be best served if we ensure that our farmers and producers are a continuous source of food and medical supplies.

The Food and Medicine for the World Act also sends a message to U.S. farmers and ranchers that their livelihood will not be used as a foreign policy tool without due deliberation and involvement of both the President and Congress.

Farmers and ranchers are twice as reliant on foreign trade as the U.S. economy as a whole. It is time for us to enact policy that reflects our support for their efforts to reach their competitive potential internationally.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 425

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 ''Food and Medicine for the World Act of 1999''.

SEC. 2. REQUIREMENT OF CONGRESSIONAL APPROVAL OF ANY NEW UNILATERAL AGRICULTURAL SANCTION.

(a) DEFINITIONS.—

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732).

(2) AGRICULTURAL PROGRAM.—The term ''agricultural program'' means—

(A) any program administered through the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480; 7 U.S.C. 1701 et. seq.);

(B) any program administered through section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any commercial sale of agricultural commodities or agricultural products, including plant nutrient materials; or

(D) any export financing (including credits or credit guarantees) for agricultural commodities or agricultural products.

(3) NEW UNILATERAL AGRICULTURAL SANCTION.—The term ''new unilateral agricultural sanction'' means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States on or after the date of enactment of this Act for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(4) NEW UNILATERAL SANCTION WITH RESPECT TO MEDICINE, MEDICAL SUPPLIES, OR MEDICAL EQUIPMENT.—The term ''new unilateral sanction with respect to medicine, medical supplies, or medical equipment'' means any prohibition, restriction, or condition on trade in, or the provision of assistance consisting of, medicine, medical supplies, or medical equipment with respect to a foreign country or foreign entity that is imposed by the United States on or after the date of enactment of this Act for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(5) SESSION DAY OF CONGRESS.—The term ''session day of Congress'' means any day on which a House of Congress is in session.

(b) RESTRICTION.—Notwithstanding any other provision of law and subject to subsection (c), the President may not impose a new unilateral agricultural sanction against a foreign country, or a new unilateral sanction with respect to medicine, medical supplies, or medical equipment against a foreign country, unless—

(1) not less than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country that justify the sanction; and

(2) Congress enacts a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(c) EXCEPTION.—Notwithstanding subsection (b), the President may impose a sanction described in that subsection—

(1) against a foreign country with respect to which—

(A) Congress has enacted a declaration of war; or

(B) the President has proclaimed a state of national emergency; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any commodity, product, medicine, supply, or equipment that is controlled on the United States Munitions List under section 38 of the Arms Export Control Act or the Commerce Control List under the Export Administration Act of 1979.

(d) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTION DEFINED.—For the purpose of subsection (b)(2), ''joint resolution'' means only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (b)(1) is received by Congress, the matter after the resolving clause of which is as follows: ''That Congress approves the report of the President pursuant to section 2(b)(1) of the Food and Medicine for the World Act of 1999, transmitted on _____.'', with the blank completed with the appropriate date.''.

(2) REFERRAL OF REPORT.—The report described in subsection (b)(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(3) REFERRAL OF JOINT RESOLUTION TO COMMITTEE.—A joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations of the House of Representatives. A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a joint resolution may not be reported before the eighth session day of Congress after its introduction.

(4) DISCHARGE FROM COMMITTEE.—If the committee of either House to which a joint resolution is referred has not reported the joint resolution (or an identical joint resolution) at the end of 30 session days of Congress after its introduction, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar of the House in which it was introduced.

(5) FLOOR CONSIDERATION.—

(A) MOTION TO PROCEED.—When the committee to which a joint resolution is referred has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of, a joint resolution, notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE ON THE JOINT RESOLUTION.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to

reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

(D) APPEALS OF RULINGS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in paragraph (1) shall be decided without debate.

(6) TREATMENT OF OTHER HOUSE'S JOINT RESOLUTION.—If, before the passage by one House of Congress of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(A) REFERRAL OF JOINT RESOLUTIONS OF SENDING HOUSE.—The joint resolution of the sending House shall not be referred to a committee in the receiving House.

(B) PROCEDURES IN RECEIVING HOUSE.—With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the sending House; but

(ii) the vote on final passage shall be on the joint resolution of the sending House.

(C) DISPOSITION OF JOINT RESOLUTIONS OF RECEIVING HOUSE.—Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

(7) PROCEDURES AFTER ACTION BY BOTH THE HOUSE AND SENATE.—If the House receiving a joint resolution from the other House after the receiving House has disposed of a joint resolution originated in that House, the action of the receiving House with regard to the disposition of the joint resolution originated in that House shall be deemed to be the action of the receiving House with regard to the joint resolution originated in the other House.

(8) STATUS OF PROCEDURES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.●

●Mr. BAUCUS. Mr. President, I rise today to join my colleagues in introducing the Food and Medicine for the World Act.

For years the United States has enacted economic sanctions to punish foreign governments, often without regard for the effects of those sanctions back home. Under a bill that I am introducing jointly with Senators ASHCROFT, BROWNBACK and KERREY, we can make more sense of our confusing sanctions policy. We can put an end to the practice of making our agricultural producers shoulder most of the blame when we impose sanctions.

The exchange of goods and ideas worldwide has never been freer; it is now axiomatic to say that we live in a global economy. It follows that as the rules governing economics have changed, so too should those related to economic sanctions. Unilateral economic action is less effective than it used to be, simply because it's rarely possible for one country or company to corner the market on a good or service.

Moreover, we often hurt ourselves with unilateral actions that disproportionately affect one sector of our economy over another. Our agricultural producers, for example, have long borne the brunt of American unilateral action. It is estimated that 10% of the world wheat market is put out of reach of U.S. producers by economic sanctions.

That's why I became a member of the Senate Sanctions Task Force last year, and it's why I am joining my colleagues in introducing the Food and Medicine for the World Act. Under this legislation, when any new unilateral sanction is announced by the President, the sanctions he imposes will not affect agriculture or medicine unless: the President submits a report to Congress asking that the sanction include agriculture; and Congress approves of his request. The process must be complete within 60 days before the sanctions against agriculture are supposed to go into effect. This bill would not take effect in the event that Congress has declared war or in the case of national emergency.

Mr. President, while I believe sanctions can be a legitimate tool of foreign policy, I don't think that American producers should be punished for the actions of unscrupulous foreign governments. Nor do I think it is fair to put an abrupt end to the supply of medicine based on the behavior of a dictator. We must send a message to the world that our producers are reliable and that those abroad who rely on U.S. products will not be put at risk by a sanction on U.S. food and medicine.

The Food and Medicine for the World Act sends that message, and I urge my colleagues to lend their support to the bill.●

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 148

At the request of Mr. ABRAHAM, the names of the Senator from Virginia (Mr. WARNER), the Senator from Ohio (Mr. DEWINE), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 171

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 343

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

S. 380

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 380, a bill to reauthorize the Congressional Award Act.

S. 395

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceeding July 1997.

S. 403

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 403, a bill to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

S. 407

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 407, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

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At the request of Mr. BROWNBACK, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Indiana (Mr. BAYH), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of