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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear God, we echo the Psalmist's prayer as we begin this day: ''Be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on earth.''—Psalm 67:1–2.

Father, You have already answered so much of this prayer. You have been merciful in the abundance of Your blessings and Your unmerited grace. You have forgiven us when we have failed, and You have given us new beginnings. Most of all, we praise You for Your smiling face that gives us confidence and courage. We are moved by the reminder that in Scripture the term ''Your face'' is synonymous with Your presence.

Praise You, Lord, for Your desire to be with us and to share in the struggle for progress. You give strength and power when we seek Your will and desire to do Your desires. We humble ourselves as we begin this day. We want nothing to block Your blessing. We relinquish any self-serving spirit or agenda that would diminish our ability to be blessed or to be a blessing to our beloved Nation. Give us clear minds to receive Your guidance and courageous voices to speak Your truth. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. HAGEL). The distinguished acting majority leader is recognized.

SCHEDULE

Mr. GORTON. Mr. President, today the Senate will be in a period of morning business until 10 o'clock. Following morning business, the Senate will begin consideration of any available appropriations bills. Amendments are expected to be offered, and therefore Senators can expect votes throughout the day's session.

For the information of all Senators, the Senate is expected to begin consideration of the reconciliation bill during Wednesday's session of the Senate. That legislation is limited to 20 hours of debate, and therefore it is hoped the Senate can complete action on that bill Thursday.

I thank my colleagues for their attention.

MORNING BUSINESS

Mr. CAMPBELL. Mr. President, are we in morning business?

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes with Senators permitted to speak therein for up to 5 minutes each, with the time equally divided in the usual form.

The Senator from Colorado is recognized.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 1438 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CAMPBELL. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. I ask to be recognized in morning business.

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

The Senator from Illinois is recognized for up to 5 minutes.

TAX CUTS

Mr. DURBIN. Mr. President, during the course of this week, we will debate in this Chamber one of the most important issues in terms of the future of our economy.

Most of us can remember it was not that many years ago that the Federal budget was swimming in red ink. My Republican colleagues came to the floor of this Senate 2 years ago begging for the passage of a constitutional amendment to balance the budget. They were so distraught and despondent over deficits that they said the only way to bring this House into order was for us to have the Federal courts impose their will on Congress: The Federal courts must stop Congress from spending. The so-called balanced budget amendment failed by one vote. There were great tears shed on the floor of the Senate by Republican Members and even a few on the Democratic side that we had missed the opportunity to end the era of deficits.

Barely 24 months later and how this world has changed. We are now in the world of surpluses, or at least anticipated surpluses. President Clinton's deficit reduction plan of 1993 accounts for about 80 percent of this deficit reduction and surplus creation, and the other part came from bipartisan agreements since that time.

My Republican colleagues have shifted from this debate about amending the Constitution, saying we are so awash with money in Washington that we have surpluses to be given back to

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

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people in the form of tax breaks, primarily for the wealthiest of Americans.

Many on the Democratic side take a more conservative view. It is hard, I am sure, for our Republican friends to stomach this, but we are the conservative party when it comes to fiscal issues because we believe if there is to be a surplus, it should be dedicated first to making certain Social Security is strong for decades to come; second, to make certain Medicare receives an infusion of capital so we don't see an increase in premiums or a reduction in services; and third and most important, buy down the national debt.

We can speculate for hours on end on the floor of the Senate about the state of America and its economy. However, certain things are obvious. We have more than $5 trillion in national debt that costs $1 billion a day in interest. We have a Social Security system that needs money. We have a Medicare system that does, as well. We should take care of those three items before we go off on some lark of spending $1 trillion in tax breaks for wealthy people.

One might expect to hear that from a Democratic Senator and expect to hear the opposite from a Republican Senator because that is the nature of this debate. I appeal to the American people to step back for a second and look for a credible, objective arbiter. Let me make a suggestion: Alan Greenspan, Chairman of the Federal Reserve Board, who is credited as much as the Clinton administration with bringing about the economic prosperity that has brought down inflation, increased employment, increased the number of new businesses, increased housing. What does Alan Greenspan say about the $1 trillion tax cut? He says it is not wise, not good policy. He said there may be a time in a recession when a tax cut makes sense but to put this tax break for wealthy people on the books now is to fuel an economy too much, to create inflationary pressure.

What would be the response of the Federal Reserve Board? Obviously, raise interest rates. What happens when interest rates are raised? The cost of a mortgage payment goes up for people who have an adjustable rate mortgage. People who have equities in mutual funds for retirement find those equity values falling as interest rates go up. Chairman Alan Greenspan, the objective arbiter, says to the Republicans: Please, stop; don't do this. You are overreacting to what we hope is the good news of a surplus.

That is the critical difference.

We know the Republican tax breaks are primarily geared for wealthy people. We know after 5 years, the Republicans have to dip into the Social Security trust fund to pay for their tax breaks. We know they provide no money whatsoever for Medicare. We know that if we follow their scenario we will be forced on the floor of the Senate and the House of Representatives to make dramatic cuts in education, in environmental protection, in the basics that Americans expect from our Federal Government.

It is a recipe for economic disaster and a recipe for fiscal irresponsibility.

Mr. SCHUMER. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. SCHUMER. I thank the Senator for yielding.

One of our great historians said those who don't learn the lessons of history are condemned to repeat it. We are about to repeat the same kind of mistake that was made 20 years ago. We have an economy that is moving along smartly and well. We have inflation in check. We have job growth. Americans are prosperous and happy.

All of a sudden, almost with happy recklessness, the other side wants to blow all this up.

In 1981, we passed a huge dramatic tax cut. What happened? Interest rates went through the roof. Unemployment rates went from 4 or 5 percent to 7, 8, or 9 percent. Americans were out looking for work. It took an entire decade to rectify that.

Adding insult to injury, not only is this idea reckless in terms of the soundness of our economy as my colleague from Illinois has brought up and as Alan Greenspan stated, now we have CBO, which has always been known as a bipartisan, careful agency, saying this huge tax cut is very wrong, as every major economist that I have read about has also stated. It should be done when we move into recession if, God forbid, we do but not now.

CBO says this balances the budget better than saving the money and putting it aside for debt reduction and for Medicare. The world is almost being turned upside down. I plead with the CBO Director to get his bearings. I have never seen CBO act in such a wild and almost irresponsible way.

We know the budget caps are going to be lifted. What did the Republican leadership do in the House yesterday? They passed another emergency bill. Last week, the census was an emergency, not contained in the budget caps. This week, it was something new. Just yesterday there was an emergency, another $5 billion. They are going over the budget caps. CBO says they won't; it will go to debt reduction. It is absolutely awful.

CBO is one of the few compasses we have as we sail through these new economic waters. For them to get so partisan and so off base by making an assumption that is virtually laughable, I plead with the head of CBO to reexamine his statements. To say a $1 billion tax cut will reduce the deficit more, or a $700 billion tax cut will reduce the deficit more than a $300 billion tax cut, with most of the remainder going to be put aside for debt reduction to help the Medicare system is absurd.

I ask the Senator from Illinois his view of what CBO is doing. When we lose our moorings, when we lose our lodestars, when the whole debate becomes entirely political, we are in trouble.

Mr. DURBIN. I agree with my colleague from New York. We have not run into such economic doubletalk and gobbledygook since the days of the appropriately named Laffer curve.

I yield to the Senator from California.

Mrs. BOXER. I thank the Senator for yielding for a question. I want to join in on the CBO question. I have gotten to the point where I don't listen to any bureaucrats. I listen to the Nobel Prize-winning economists. They are saying the Republican plan is risky and dangerous. Many signed a letter. I am going with them.

We cannot trust the CBO anymore.

I want to ask my friend about the tax break and the question: Is this fair? The Senator has an important chart. I found out yesterday under the Republican Senate plan anyone earning $1 million a year gets back $30,000 each and every year in a tax break, while those at the bottom hardly get anything.

I want to pose a question to my friend from Illinois. A millionaire gets back $30,000. That equals the average income of an average citizen. In other words, a millionaire gets back as much in a tax cut as the average American, who gets up every day and goes to work for 8 hours a day, earns in a year.

I pose the question to my friend: Is this fair?

Mr. DURBIN. I think the Senator from California has once again identified the Achilles' heel of Republican tax policy. They just cannot help themselves. Whenever it comes time for a tax break, they always want to give it to Donald Trump. I think Mr. Trump is doing well. I think Mr. Gates is doing very well. I don't think they need a tax break to be inspired to go to work tomorrow. The Republicans insist that is the case.

Look what it does: For the top 1 percent of wage earners in America, the Republican plan, the Republican tax breaks give an average of almost $23,000 a year. Of course, for those bottom 60 percent, people with incomes below $38,000 a year, they receive $139 a year.

The Republicans say: Wait a minute, the rich are paying all the taxes; they should get the tax break; it should come back to them.

Yet when you look at it, they are taking them at the expense of working families who are concerned about the future of Social Security, concerned about the future of Medicare, and want to make certain we keep up with our basic commitments to education and environmental protection.

The PRESIDING OFFICER (Mr. BUNNING). The Senator's time has expired.

Mr. DURBIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent to have the time extended to 10 minutes.

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

SNAKE RIVER DAMS

Mr. GORTON. Mr. President, Senators from the Northwest are sometimes frustrated in trying to get our message across, to deliver or reflect the views of our constituencies almost 3,000 miles away, and to let our Senate colleagues from around this country understand what it's like to live in the Northwest.

The Northwest is known for clean air and water, a high quality of life, picturesque landscapes, the beauty and majesty of the Cascade and Olympic Mountains, the rolling hills of the Palouse, lush wooded forests, sparkling lakes, a playground for backpackers, hikers and recreational enthusiasts, home of America's success story—Microsoft, the apple capital of the world, breadbasket to the nation, a vibrant salmon fishery and home of the most wonderful people who possess a zest for life and fierce instinct to preserve and protect these truly unique qualities of my great state of Washington and of Oregon, Idaho, and Montana as well.

Mr. President, I share the passion of my constituents. I consider it an honor to represent a state as great and diverse as mine. But what is often overlooked is the fact that our hydroelectric power system plays a central role in keeping Pacific Northwest a clean, healthy, and affordable place to live, work, play, and raise a family.

I have come to this floor many times to explain what makes the Northwest tick to my colleagues and to others unfamiliar with the region. And I have been frustrated or puzzled by the reaction I get when I reflect the views of my state, and in particular, my eastern Washington communities.

We have been waging a battle with this administration, radical environmental organizations, and other dam removal advocates over the issue of removing Columbia-Snake River dams.

Advocates of dismantling our Columbia River hydro system place the choice in stark terms of dams or salmon. That choice, presented in such terms, is false. The truth is that by applying adaptive management to our hydro system, we can and will preserve endangered salmon runs and our valuable hydro system.

I reject the false choice of salmon versus the Columbia hydro system. I believe passionately that we can and will restore a vibrant salmon fishery to the Columbia and that we can do so within the confines of the hydro system.

To an outsider, one would think the administration has the momentum. Interior Secretary Bruce Babbitt has been a roll—tearing down dams from the California coast to Maine in the Northwest.

Incidentally, however, we may be a new ally in Vice President ALBERT GORE. While he has been known as a removal advocate, last week, in order to get a photo opportunity on the Connecticut River, he had a dam release some 4 billion gallons of water in order that he could go cancoeing. Perhaps now we have found a new use for dams and a new ally in the Vice President, as long as we can offer him canoeing activities by releasing water.

Most of us in the region believe we have the facts and support on our side to defeat those who wish to remove the Snake River dams and thereby destroy a central piece of the Northwest economy and a way of life for millions of Northwesterners.

I have asked myself—What do we have to do?

We can have thousands rally to ''Save Our Dams''—as we did in eastern Washington and Oregon communities earlier this year.

We can have our local, State, and Federal officials unite in their opposition to dam removal, and we have added Governor Gary Locke and Senator MURRAY to the ranks of those opposed to removing our eastern Washington dams.

And we can have scientists, federal agencies, and even environmental groups point to global warming as a major cause for salmon decline.

We can have the National Marine Fisheries Service scientists tell us, in a report released April 14, that the chance of recovery for a few distinct salmon runs is only 64 percent if all four lower Snake River dams are removed, as against 53 percent by continuing to transport smolts around the dams—a difference that is barely statistically significant.

And we can have recent media reports tell us that the ''Outlook is bright for salmon runs this year.'' In this July 12 Seattle Times article, scientists and biologists are predicting a potential rebound in salmon stocks in the Pacific Northwest. And the reasons they cite are: improved ocean conditions, better freshwater conditions, and cutbacks in fishing.

But still we hear the dam removal clamor from national environmental groups and bureaucrats in the Clinton-Gore administration. And we have an energized Interior Secretary who in his words has been ''out on the landscape over the past few months carrying around a sledgehammer'' giving speeches saying ''dams do, in fact, outlive their function'' and ''despite the history and the current differences over dams, Babbitt said he believes change is inevitable.'' (Trout Unlimited Speech, CQ, July 17, 1999)

Here I am again, to share some compelling statistics recently released by the Army Corps of Engineers that further prove that removing dams in eastern Washington would be an unmitigated disaster and an economic nightmare.

Ten days ago, the Corps released three preliminary economic studies that will be included in an overall Lower Snake River Juvenile Fish Migration Feasibility Study set for completion later this year.

The Corps studies quantified the economic impact of the removal of the four Snake River dams as removal relates to the region's water supply, navigation, and power production.

I simply cannot overstate the importance of these studies and what they mean for the future of the Pacific Northwest, its economy and the livelihood of our families and communities.

That is why I was surprised when there was little attention paid to the release of these three studies. I can remember that as recently as March of this year when the Corps was preparing to release a study on recreation benefits involving the four lower Snake River dams, environmental groups including the Sierra Club, NW Sportfishing Industry Association, Trout Unlimited, and Save Our Wild Salmon were tremendously successful in getting the media's attention and substantial coverage of their claims that removing the four Snake River dams would bring a $300 million annual recreational windfall to the region.

The environmental groups leaked the $300 million number knowing that the study was incomplete, but the false information made big news. Then, the report was completed and the truth was told. In fact, the real number, according to the Corps report is: ''Under the natural river drawdown alternative, the value of recreation and tourism then increased to $129 million annually, which represents an increase of about $67 million per year.''

Why did this report, with complete analysis, receive so little attention:

I am again surprised at the lack of attention given to the results of the latest three studies, which standing alone, send such a clear signal to this administration, radical environmental groups, and dam removal advocates everywhere that they should abandon their cause.

Let me share these numbers with you:

First, starting with power production:

The economic effect of breaching on the region's power supply would be $251 million to $291 million a year.

Residential bills for Northwest families and senior citizens would increase $1.50 to $5.30 per month.

But the region's industrial power users, which rely on cheap power to provide thousands of jobs can see a monthly increase ranging from $387 to $1,326. Our aluminum companies would see an increase in their monthly bills ranging from $222,000 to $758,000.

If the Snake River dams are breached, how would we replace the 1,231 megawatts the dams produce annually? Keep in mind it takes 1,000 megawatts to serve Seattle. The answer is, there is no cheap alternative. We can increase power production at thermal power plants or build new gas-fired combined-combustion turbine plants.

Finally, these power estimates wouldn't be complete without reminding my colleagues that last month the Administration sought to collect at least $1 billion beyond normal power costs to create a 'slush fund' to fund the removal of the four Snake river dams. I was delighted to pass any amendment prohibiting the Bonneville Power Administration from raising rates on Northwest power customers for a project they don't even want.

Second, lets look at irrigation.

The Corps report assumes that there is no economically feasible way to continue to provide irrigation to the 37,000 acres of farmland served by the four Snake River dams. The report assumes 37,000 acres of farmland will be taken out of production as a result of breaching those dams.

What does this loss of water supply mean for eastern Washington?

The loss of irrigated farmland would cost $9.2 million annually.

The cost to retrofit municipal and industrial pump stations would be $.8 to 43.8 million a year.

The cost to retrofit privately-owned wells would be 43.9 million annually.

In light of these sobering statistics, what options would be left for irrigators? The Corps estimated the economic effect on dam breaching on farmland value would amount to more than $134 million. The Corps also considered ways to alter the irrigation system in order to continue to irrigate the 37,000 acres—to accomplish this alternative, we would have to spend more than $291 million—more than the value of the land. Our farmers and agricultural communities are struggling enough as it is, and removing their ability to even water their crops puts them beyond despair. Therefore, the Corps assumes this irrigated farmland will disappear.

Lastely, let's look at transportation:

The Corps studied transportation impacts of breaching the four Snake river dams.

The transportation costs resulting from breaching the four Snake River dams would rise to $1.23 per bushel from .98 cents per bushel—a 24 percent increase.

The annual increase in transportation costs to the region would be $40 million for all commodities.

Breaching the four dams would remove 3.8 million tons of grain from the Snake River navigation system. Of this 3.8 million, 1.1 million would move to rail transportation and 2.7 million tons would move to truck transportation.

According to the report, barge transportation of commodities on the Snake river limits the cost of rail transportation and truck transportation. Removing competition among these types of transportation could drive up costs. According to the report, barge transportation has saved, on average, $5.95 in per ton when compared with other transportation alternatives. ''Disturbing this competition would be one of the most important regional consequences of permanent drawdown.''

According to the Washington State Legislative Transportation Committee, additional costs resulting from road and highway damage range from $56 million to $100.7 million.

Further, it is important to note that the navigation system of the Columbia allows enough barge transportation that if it were destroyed, more than 700,000 18-wheelers a year would be added to our already congested state roads and highways to replace the lost hauling capacity. (Source: Pacific Northwest Waterways Association)

I want to put all this together and construct a picture for you and what this scenario would mean in eastern Washington.

In exchange for breaching or removing the four Snake river dams, here's what the citizens of the Pacific Northwest could get:

We would lose four dams that produce hydro-power, which emit no pollutants into the air, for a thermal based power source that would jeopardize the clean air unique to the Northwest and enjoyed by countless residents and visitors to our state.

The 37,000 acres of irrigated farmland in Franklin and Walla Walla counties and the hundreds of employees that help supply food to more than a million people would disappear.

There is a likelihood that there would be a temporary loss of water for well users after dam breaching due to the inability to alter well depths until the actual removal of dams.

The increased truck traffic on our roads to haul wheat and barley to coastal ports will have an adverse effect on air quality and impose an additional financial burden on the family farm, which for many would be too much to bear and force them to give up their land.

So what do we get by removing the four Snake River dams? Shattered lives, displaced families and communities who will have seen their livelihoods destroyed, generations of family farmers penniless, industries forced to drive up consumer costs, air pollution, a desert that once bloomed with agriculture products goes dry, a far less competitive Northwest economy and a Northwest scrambling to repay a BPA treasury debt with less revenue, and scrambling to buy or build higher cost polluting sources of power.

So according to these three latest studies, the bottom line is that if we breach the four dams to increase our chances of bringing a select number of salmon runs back by only 11%, the Northwest will suffer economic impacts of $299 to $342 million a year in perpetuity. This staggering figure doesn't even include the estimated $1 billion it would take to actually remove the dams.

If we remove the Snake river dams, over the next 24 years we only improve our chances of recovering spring and summer chinook to the survival goals set by NMFS by 11 to 30 percent over the current system of barging. Over 24 years, NMFS would like to reach the survival standard of returning 150 to 300 spring and summer chinook to the Snake River tributaries each year.

But there is something else that these numbers, studies and data can't quantify:

What many outside the region don't understand is that the four dams on the Lower Snake river are part of our life, heritage, and culture.

I repeat the call I issued last month to the administration and dam removal advocates: abandon your cause and work with the region on cost-effective salmon recovery measures that can restore salmon runs and preserve our Northwest way of life.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask unanimous consent for 5 minutes in morning business.

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

Mr. SCHUMER. Thank you, Mr. President.

TAX CUTS

Mr. SCHUMER. I wish to continue the line of discussion we were in before about these two alternative tax cut plans. Again, my greatest worry is not in how the pie is divided, although I certainly very much disagree with the Republican way that is done but, rather, in the overall strength of our economy.

To put a huge tax cut in place now, at a time when inflation is low, unemployment is low, and jobs are being created, has the potential of throwing a monkey wrench into our economy. Targeted tax cuts, things aimed at helping middle-class people with their big financial nuts, whether they be health care or college tuition or retirement—those make some sense. But a huge across-the-board tax cut, in my judgment, could throw the economy dramatically off kilter. Will it? No one can predict. But there is an old expression: If it ain't broke, don't fix it.

Our economy has been moving along well, and now, I think mainly because of some ideologues, we are being pushed to do something that risks the great recovery we are now having. That is issue No. 1.

Issue No. 2 is saving Social Security and Medicare. Again, you cannot have the money go for everything. Despite CBO's awful statements in the last few days—and I will talk about those in a minute—when you have a dollar, you can use it for something. You can return it to the taxpayers, you can spend it on a program, or you can put it away for some kind of obligation that might occur later.

The two great obligations we have to the American people, fiscally speaking, are Social Security and Medicare. If you look at this chart, the Republican plan takes that Social Security surplus and makes it a deficit from 2005 on.

How many Americans, for a quick tax cut—most of which they will not

see because it will go, just by definition, to the highest income sector—would risk their Social Security for that tax cut? My argument is: Very few.

How many Americans would risk their Medicare—and, God forbid, they or a loved one became ill—for what have proven to be in the past chimerical tax cuts, things that people do not see? Very few.

So what we are talking about here is very simple—targeted tax cuts that will help the middle class and preserve Social Security, which is the plan the Democrats have put forward, or a huge tax cut, mainly going to people who are doing remarkably well at the highest end of the spectrum and risking Social Security and Medicare.

Mr. DURBIN. Would the Senator from New York yield for a question?

Mr. SCHUMER. I am happy to yield to my friend from Illinois for a question.

Mr. DURBIN. Over the course of the last several months we have had a lot of debate on the floor about a lockbox, a Republican lockbox that is going to protect Social Security and Medicare—lockbox, lockbox, lockbox. I think what we are dealing with when we look at the Republican tax break bill is the Republican ''loxbox''—it smells fishy—because in the year 2005 they start dipping right into Social Security. They are taking money out of the Social Security surplus to give tax breaks to wealthy people.

I ask the Senator from New York—I am sure I can speak for people from Illinois as well—as you go around the State of New York and ask people what our priorities should be, if we are going to have a surplus, how many of them have said to you: Well, let's give tax breaks to Donald Trump and let's take money out of the Social Security surplus?

Mr. SCHUMER. I say to the Senator from Illinois that, first of all, my constituents say: Preserve Social Security and Medicare, No. 1; and, second, if you are going to do certain tax breaks, make them targeted to help the middle class, not these big across-the-board tax cuts.

I also say to the Senator, in certain parts of my State they would want a ''loxbox,'' but in many others they would refuse that.

Mrs. BOXER. Will the Senator yield for a question?

Mr. SCHUMER. I am happy to yield to the Senator from California for a question.

Mrs. BOXER. I thank the Senator.

I say to the Senator from New York, I really appreciate his contribution to this debate. I always go back, in my mind, to who is getting these tax cuts—the Donald Trumps, the Bill Gateses, et cetera. The other chart that was used before by my friend from Illinois showed very clearly that if you earn about $800,000 a year, you get back $22,000 a year; if you earn about $25,000 a year, you get back about $129.

I want to talk about that for a moment and ask my friend a question.

Mr. President, $129 is nice to have. No one would turn it away. But if at the same time you suddenly get a bill for $250 a month more for your Medicare, because the Republican plan doesn't put a penny in for Medicare solvency, now you are behind the eight ball, are you not? That $129 you get back is gone, plus you may even have to take care of your parents because Medicare is not going to survive.

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

Mrs. BOXER. Mr. President, I ask for 1 additional minute in morning business.

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

Mrs. BOXER. I say to my friend, could he comment on the cruel irony of this?

Mr. SCHUMER. Mr. President, I think the Senator from California brings up an extremely valid point. The American people are most worried, not about their present tax situation, although everyone would like lower taxes, no question—particularly in my State, property taxes, which we have nothing to do with, are through the roof. What they care about are the big financial nuts that might bother them.

As the Senator from California said, God forbid a parent becomes ill, God forbid a spouse becomes ill, and Medicare is not there or it is so reduced that they have to shell out tremendous amounts of dollars from their own pocket before Medicare bites in. That is what worries people. That is why, I say to the Senator, I am pushing a tuition deductibility proposal because the average middle-class family is doing fine, but when they get hit with these huge tuition bills, it is tough for them to pay.

One other point, which relates to what the Senator said, going back to what CBO has done in raiding these two plans. I want to come back to this because it is so worrisome. What they have done is, they have said a plan that cuts taxes by $700 billion reduces the deficit more than a plan that cuts taxes by $300 billion—

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

Mr. SCHUMER. I ask unanimous consent for 1 additional minute.

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

Mr. SCHUMER. I thank the Chair, and I thank the Senator.

CBO has said putting $300 billion aside for deficit reduction reduces the deficit less than putting nothing aside for deficit reduction.

I have, in my 18 years in the House and now my 1 year in the Senate, always relied on CBO as a lodestone, as a morning star—fixed, correct, dealing with the excesses politicians have on both sides of the aisle. That has seemed to be true whether they were appointed by Democrats or Republicans. For the first time, I think we are going to start doubting the veracity of CBO in a significant way because they have so twisted their economic logic that economists across America are scratching their heads.

We need a CBO to be fair and nonpartisan. CBO is vitally important to us being honest in reducing the deficit; when either party does fiscal hi-jinks, they are called to the carpet.

Again, I make a plea to the CBO Director: Reconsider what you have said or, at the very least, give it a better explanation because right now people who follow economics across America are scratching their heads and saying: What has happened? How the heck can CBO score things the way they have? The only answer that seems to be available is politics. That would be a shame.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 20 minutes as in morning business or until the managers of the legislation come forward and decide they want to begin the next piece of legislation.

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

Mr. BIDEN. Mr. President, before I get to the subject I wish to speak to, which is the nuclear test ban treaty, I will address a comment to my colleague from New York, Senator SCHUMER.

I, as all Democrats and some Republicans, think a tax cut should be progressive and equitable. To tell you the truth, I would like to be in a position to give the wealthy a tax cut if that were the case. That would be fine as long as we first gave the tax cut to the poor and the middle class.

I was speaking to the Senator from Illinois a moment ago. In my State, which has, as all of our States, very wealthy individuals, I found an interesting phenomenon. Given a choice, if you go back to my State and ask anybody who made $1 million last year or is likely to make one next year, and said: We can continue the economy to grow the way it has the last 7 years, or give you a $30,000 tax cut a year, there isn't any question what they choose. They say: Whoa, leave well enough alone. I am making a lot more than $30,000 a year in the market. I am making a lot more than $30,000 a year in my investments. I am making a lot more than the $30,000 a year I would get in the tax cut from the lower interest rates. I am making a lot more.

How many times have we heard the only thing that has remained constant in this changing economic environment over the last decade is tax cuts are a stimulus? We have one guy sitting at the helm. His name is Greenspan. He has been doing everything but taking an ad in the New York Times to say: Whatever you all do, if this economy heats up, if you stimulate this economy, I am telling you what I am

going to do; I am going to raise interest rates.

He hasn't used those exact words, but the market responds to every word he says.

I don't know anybody who thinks that if there were almost an $800 billion tax cut, we are not going to have interest rates raised.

I don't understand the math. To be more crude about it, I don't even understand the politics. It used to be good politics for our Republican friends to try to paint us into a corner and say: We are for tax cuts; Democrats are not for tax cuts ever. Therefore, Democrats are big spenders; therefore, we are good guys. Therefore, vote for us.

I understand that. We do the same thing with them on Social Security. We assume no Republican can be devoted to Social Security, and they assume no Democrat could ever want a tax cut. That is politics. I understand that.

The part I don't understand is to whom they are talking. Even their very wealthy constituency—not all wealthy people are Republicans, but it tends to be that way—is saying: Hey, go slow here.

I hear the name of Bill Gates thrown around and others such as Gates. They are an aberration even among the wealthy. But the wealthy in my State, if they could pick any one thing out of the Roth tax proposal, I know what it would be. It would be the elimination of the inheritance tax. There are only about 820,000 people in all of America who would be affected by it, but that is something—I happen to disagree with them—that is a big deal. That is a big-ticket item. That is worth a lot more than 30,000 bucks, but that is not the thing that would fuel a heated up economy. I am not proposing that. I am trying to figure out the politics.

Mr. SCHUMER. Will the Senator yield?

Mr. BIDEN. I am delighted to yield.

Mr. SCHUMER. I think the Senator makes a very good point. Our No. 1 argument is the one the Senator made. It is not middle class versus wealthy. It is not redistribution. That is an argument.

The No. 1 argument is a very simple one: The economy is doing remarkably well. The people at the highest end of the economic spectrum have benefited the most. That is how it usually is in America. And here we are, everything is going along nicely, interest rates are low, fueling economic growth, allowing people to buy homes, allowing people to take second mortgages so they can buy other things. We are going to change conditions so that Alan Greenspan would be more likely to have to raise interest rates. And he, a Republican conservative, fiscal watchdog, says: Don't do it. And we are proceeding headlong into a wall to do it.

The Senator from Delaware has asked an excellent question: What is motivating this? I think it is leftover politics from the early 1980s.

Mr. BIDEN. I think that is right.

Mr. SCHUMER. There is a view, first, that Democrats haven't learned our lesson, which we have since 1994, which is we can't spend on everything we want to, even though we would want to. What we have proposed doing with this money is not spending most of it on new programs but putting the vast proportion away into Social Security and Medicare and reducing the deficit.

Second, it is based on the theory that the tax system is out of whack. When you look at it, the percentage of tax paid is going down; the economy is moving. It is almost ''Alice in Wonderland.'' So I think the Senator from Delaware makes an excellent point. Whether you believe in the politics of redistribution or not—and there is a division in this country, in this body, and in our party, as a matter of fact—even if you don't, this tax cut, so massive, so much risking the monkey wrench being thrown in the economic engine that is purring smoothly, is a real risk.

Mr. BIDEN. If the Senator will yield, I would like to make an observation or a comment. I heard some of our Republican friends use the old phrase ''if it's not broken, don't fix it.'' They can't stand status quo. I think they can't stand the fact that it is happening on Democrats' watch. I think part of the problem is they have to say something. It is similar to cops, the very thing they said would not work. It was terrible what Charlton Heston—or ''Moses'' Heston—said. They are going to have 100,000 social workers.

Regarding the deficit reduction package in 1994, every Republican leader stood up and said this will mean chaos, recession, loss of world stature, et cetera, et cetera. They turned out to be wrong; these things are working. Cops are making the crime rate go down. The deficit reduction package worked. We are now in a position where we are doing better than ever. It is as if they have to have something. We politicians, I know, sit there and say if the other party does something, or my opponent does something, and it works, instead of saying it is working, we have to think of something better.

I think the public is prepared to give everybody credit. Everybody deserves credit. The people who deserve the most credit are the people in the business community because of their productivity and the way they trimmed down. I can't figure it out. For the first time in my 27 years as a Senator, this seems to fly in the face of the orthodoxy of the Republican Party. I mean, if you had said to me 15 years ago—first of all, I would not have believed what I am about to say. But if you said to me 15 years ago: JOE, in 1999, you are going to be standing on the floor of the Senate, and one of the choices you are going to participate in making is not whether or not we balance the budget but whether we take money and reduce the accumulated national debt or give a tax cut, first of all, I would not have believed that option would be available. I would not have believed we would be in that position. Forget, for a moment, the two pillars: Social Security and Medicare. Leave them aside for a moment. I would have said: First of all, it won't happen. But if it does, on the idea of reducing the national debt, in every basic economics course you took when you were a freshman in college, they said if you can ever reduce the national debt, the impact upon interest rates, the impact upon home rates, the impact upon the economy would be incredible.

And then, if you asked me: OK, what do you think the Republican Party would do? I would say that is easy. They would reduce the debt. These are the pay-as-you-go guys, the guys who say pay off your debts. These are the guys who had a clock ticking in your city, in Time Square, or down by the railroad station, Penn Station, a big clock, saying the national debt is going up. It was paid for, I suspect, by some wealthy Republican. So the clock was ticking. And not only have we stopped the growth of the debt, but it is ticking in a way that we can have those numbers go in reverse.

Mr. DURBIN. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. DURBIN. As a member of the Judiciary Committee, I am sure the Senator from Delaware remembers 2 years ago on the floor of the Senate our despondency over the deficits, which led some Members on the Republican side to call for a constitutional amendment to balance the budget, where the Federal courts would force Congress to stop spending. We were so despondent that we were going to really change the constitutional framework. That failed by one vote.

Two years later—the Senator from Delaware is right—somehow or another, the Republican Party is searching for its roots and searching for its identity. It has now gone beyond the era of Gingrich and Dole, and it is trying to find out what it stands for anymore. As the Senator from Delaware said, they used to stand for fiscal conservatism. We have a trillion-dollar tax cut, primarily for the wealthiest people, that will divert funds that could be spent to retire the national debt, a debt of over $5 trillion, which costs us a billion dollars a day in interest. We collect taxes from American families—payroll taxes—for a billion dollars a day in interest.

Would the Republicans join the Democrats and say our first priority is to eliminate this debt? No. Instead, they are saying our first priority is tax breaks for the higher income individuals, which could endanger the economy.

I think this Republican Party is searching for identity. I think the Democrats have a situation that I would like to test in an election. If this were a referendum, as in parliamentary forms of government, I would like to take this question to the American people: Do you want a trillion-dollar

tax break for the wealthiest people over the Democratic approach to take whatever surplus we have and put it into Social Security, put it into Medicare, and bring down the national debt?

I think ours is a sounder approach. I ask the Senator from Delaware, in his experience in history and in American politics, has he ever seen the world turn so upside down that we Democrats are now the fiscal conservatives?

Mr. BIDEN. No. I must say to my friend from Illinois that I haven't. I really think a legitimate debate—a debate that is a close call, in my view, would be whether or not, for example, we should be spending the surplus to reduce the debt, or spend the surplus—we can do both—or spend more of the surplus to reinforce Social Security and Medicare. That is a traditional debate that we have. Republicans used to argue we are spending too much money on Medicare—not just that it is broken, but we are spending too much; and Social Security is inflated and we should be cutting it back.

If you told me 15 years ago that the debate would be Democrats saying let's not put as much away to reduce the debt, put more in Social Security and Medicare, and with what is left reduce the debt, and the Republicans would have been saying let's reduce the debt, and once that is done, let's try to fix Medicare and Social Security—well, I don't know. The third rail of politics has become Social Security and Medicare. Obviously, they have to be for that; everybody is for that. So nobody really talks about it.

Some courageous guys and women talk about it on the floor, about what we should be doing. But it is just a shame because there is a legitimate debate here. The truth is, for example, if you said to me reduce the debt or spend more money on cops, I would be for spending more money on cops. So it is true that there are some of us in this party who would want to spend more of the surplus for worthwhile things, such as education, law enforcement, et cetera. And it is a legitimate debate. They would say: Look, BIDEN wants to spend more money instead of putting it onto the debt. But that is not even a debate. That is not even a debate.

The debate now is to give a tax cut that no one seems to want. I would love a tax cut. My total salary is what I make here, and the American people pay me a lot of money. I would love a tax cut. I would love even more—since I have a third child going off to college for the first year, and room, board, and tuition in any private school in this country is about $30,000 a year, I selfishly would love a tax break there. But what I would not love is my adjustable rate mortgage to change. I would not want that to change. Give me a tax cut and one little bump in my adjustable rate mortgage, and I am up more than I can save by the tax cut. So I don't know.

Both of our parties are going through a little bit of establishing, going into the 21st century, what the pillars and cornerstones of our philosophies are. Ironically, I think for the change we are sort of a little ahead of the Republicans on where we are. It doesn't mean the American people agree with us. The debate over there seems to be that the jury is still out on where they will go. I hope, for everyone's sake, we get our bearings a little bit because it would truly be a shame if, as a consequence of a political judgment, we imperil what is the most remarkable recovery in the history of the world, essentially.

The economy in America has never been stronger within our borders or comparatively internationally. I hope reason takes hold because even I think Republicans and Democrats know more about what the polling data says than I do. But my instinct tells me this is yesterday's fight. This is yesterday's fight, but it could be tomorrow's tragedy if it prevails.

RATIFYING THE COMPREHENSIVE TEST BAN TREATY

Mr. BIDEN. Mr. President, speaking of polls, which are what I stood up to speak about this morning, I would like to turn to the Comprehensive Nuclear Test Ban Treaty, the comprehensive test ban treaty that was signed nearly three years ago and submitted to the Senate nearly two years ago. The American people overwhelmingly support this treaty, yet it has not even seen the light of day here in the Senate.

The Senate, as we all know, is uniquely mandated under the United States Constitution to give its ''advice and consent'' to the ratification of treaties that the United States enters into. In a dereliction of that duty, the Senate is not dealing with the Comprehensive Nuclear Test-Ban Treaty.

Why is this occurring? In the view of my colleagues—including some Democrats who support the treaty—this treaty is not high on the agenda of the American people. There is very little political attraction in the issue. It is easy to keep this treaty from being brought up and discussed, because people who care about nuclear testing tend to assume that we already have a nuclear test-ban treaty in force.

President Bush did the right thing in accepting a moratorium on any nuclear tests, but that is not a permanent test-ban. It does not bind anybody other than ourselves. It merely implements our own conclusion that we don't have to test nuclear weapons anymore in order to maintain our nuclear arsenal.

Faced with this perception on the part of many of our colleagues, several of us encouraged supporters of the Test-Ban Treaty to go out and actually poll the American people. Frankly, we wanted real evidence to show to our colleagues—mostly our Republican colleagues—that the American public actually cares a lot about this issue.

I am not going to keep my colleagues in suspense. A comprehensive poll was done. The bottom line is that the American people support this treaty by a margin of 82 percent to 14 percent. That is nearly 6 to 1.

For nearly 2 years, we Democrats—and a few courageous Republicans like Senator SPECTER and Senator JEFFORDS—have tried to convince the Republican leadership that this body should move to debate and decide on this treaty. Let the Senate vote for ratification or vote against ratification. The latest poll results are a welcome reminder that the American people are with us on this important issue or, I might add, are way ahead of us.

I know some of my colleagues have principled objections to this treaty. I respect their convictions even though I strongly believe they are wrong on this issue. What I cannot respect, however—and what my colleagues should not tolerate—is the refusal of the Republican leadership of this body to permit the Senate to perform its constitutional responsibility to debate and vote on ratification of this vital treaty. It is simply irresponsible, in my view, for the Republican leadership to hold this treaty hostage to other issues as if we were fighting over whether or not we were going to appoint someone Assistant Secretary of State in return for getting someone to become the deputy something-or-other in another Department. This treaty isn't petty politics; this issue affects the whole world.

Some of my colleagues believe nuclear weapons tests are essential to preserve our nuclear deterrent. Both I and the directors of our three nuclear weapons laboratories disagree. The $45 billion—yes, I said billion dollars—Stockpile Stewardship Program—that is the name of the program—enables us to maintain the safety and reliability of our nuclear weapons without weapons tests.

The fact is, the United States is in the best position of all the nuclear-weapons states to do without testing. We have already conducted over 1,000 nuclear tests. The Stockpile Stewardship Program harnesses the data from these 1,000 tests along with new high-energy physics experiments and the world's most advanced supercomputers to improve our understanding of how a nuclear explosion—and each part in a weapon—works.

In addition, each year our laboratories take apart and examine some nuclear weapons to see how well those parts work. The old data and new experiments enable our scientists to diagnose and fix problems on our existing nuclear weapons systems without full-scale weapons testing. This is already being done. By this means, our nuclear weapons laboratories are already maintaining the reliability of our nuclear stockpile without testing.

Still, if nuclear weapons tests should be required in the future to maintain the U.S. nuclear deterrent, then we

will test. The administration has proposed, in fact, that we enact such safeguards as yearly review and certification of the nuclear deterrent and maintenance of the Nevada Test Site.

The administration has also made clear that if, in the future, the national interest requires what the treaty binds us not to do, then the President of the United States will remain able to say: ''No. We are out of this treaty. It is no longer in our national interest. We are giving advanced notice. We are going to withdraw.''

Thanks in part to those safeguards I mentioned earlier, officials with the practical responsibility of defending our national security support ratification of the test ban treaty. In addition to the nuclear lab directors, the Chairman of the Joint Chiefs of Staff has spoken in favor of ratification.

Support for ratification is not limited, moreover, to the current Chairman of the Joint Chiefs of Staff. The four previous Chairmen of the Joint Chiefs—also four-star generals—support ratification as well. Think of that. This treaty is supported by Gen. John Shalikashvili, Gen. Colin Powell, Adm. William Crowe, and Gen. David Jones, all former Chairmen of the Joint Chiefs. Those gentleman have guided our military since the Reagan administration.

Why would those with practical national security responsibilities support such a treaty? The answer is simple: For practical reasons.

Since 1992, pursuant to U.S. law, the United States has not engaged in a nuclear weapons test. As I have explained, we have been able, through ''stockpile stewardship,'' to maintain our nuclear deterrent using improved science, state-of-the-art computations, and our library of past nuclear test results. Other countries were free to test until they signed the Comprehensive Test Ban Treaty. Now they are bound, as we are, not to test. But that obligation will wither on the vine if we fail to ratify this test ban treaty.

One traditional issue on arms control treaties is verification. We always ask whether someone can sign this treaty and then cheat and do these tests without us knowing about it. The Comprehensive Test Ban Treaty will improve U.S. monitoring capabilities, with the rest of the world picking up three-quarters of the cost. The treaty even provides for on-site inspection of suspected test sites, which we have never been able to obtain in the past.

Some of my colleagues believe that our imperfect verification capabilities make ratification of the test ban treaty unwise. New or prospective nuclear weapons states can gain little, however, from any low-yield test we might be unable to detect. Even Russia could not use such tests to produce new classes of nuclear weapons.

To put it another way, even with the enhanced regimen of monitoring and on-site inspection, it is possible that there could be a low-level nuclear test that would go undetected. But what all of the scientists and nuclear experts tell us is that even if that occurred, it would have to be at such a low level that it would not enable our principal nuclear adversaries and powers to do anything new in terms of their systems and it would not provide any new weapon state the ability to put together a sophisticated nuclear arsenal.

For example, the case of China is particularly important. We have heard time and again on the floor of this Senate about the loss, beginning during the Reagan and Bush years, of nuclear secrets and the inability, or the unwillingness, or the laxity of the Clinton administration to quickly close down what appeared to be a leak of sensitive information to the Chinese. We lost it under Reagan and Bush, and the hole wasn't closed under the present administration, so the argument goes.

We hear these doomsday scenarios of what that now means—that China has all of this technology available to do these new, terrible things. But guess what? If China can't test this new technology that they allegedly stole, then it is of much less value to them. They have signed the Test-Ban Treaty, and they are prepared to ratify it and renounce nuclear testing forever if we ratify that very same test-ban treaty.

Here we have the preposterous notion—for all those, like Chicken Little, who are crying that the sky is falling—that the sky is falling and China is about to dominate us, but, by the way, we are not going to ratify the Test-Ban Treaty. What a foolish thing.

The Cox committee—named for the conservative Republican Congressman from California who headed up the commission that investigated the espionage that allegedly took place regarding China stealing nuclear secrets from us—the Cox committee warned that China may have stolen nuclear codes. Congressman COX explained, however, that a China bound by the Test-Ban Treaty is much less likely to be able to translate its espionage successes into usable weapons.

As I noted, however, the Test-Ban Treaty will wither on the vine if we don't ratify it. Then China would be free to resume testing. If we fail to take the opportunity to bind China on this Test-Ban Treaty, that mistake will haunt us for generations and my granddaughters will pay a price for it.

The need for speedy ratification of the Comprehensive Test Ban Treaty is greater than ever before. In India and Pakistan, the world has watched with mounting concern over the past 2 months as those two self-proclaimed nuclear-weapons states engaged in a conventional conflict that threatened to spiral out of control.

Were nuclear weapons to be used in this densely populated area of the world, the result would be a horror unmatched in the annals of war. This breaches the postwar firebreak against nuclear war—which has stood for over 50 years—with incalculable consequences for the United States and the rest of the world.

The India-Pakistan conflict may be back under control for now. President Clinton took an active interest in it, and that seems to have been important to the process in cooling it down. The threat of nuclear holocaust remains real, however, and it remains particularly real in that region of the world. We can help prevent such a calamity. India and Pakistan have promised not to forestall the Test-Ban Treaty's entry into force. They could even sign the treaty by this fall. The Test-Ban Treaty could freeze their nuclear weapons capabilities and make it harder for them to field nuclear warheads on their ballistic missiles.

This will not happen unless we, the United States, accept the same legally binding obligation to refrain from nuclear weapons tests. Thus, we in the Senate have the power to influence India and Pakistan for good or for ill. God help us if we should make the wrong choice and lose the opportunity to bring India and Pakistan back from the brink.

This body's action or lack of action may also have a critical impact upon worldwide nuclear nonproliferation. Next spring, the signatories of the Nuclear Non-Proliferation Treaty will hold a review conference. (The Nuclear Non-Proliferation Treaty is a different treaty; the treaty that we still must ratify bans nuclear weapons testing, while the Nuclear Non-Proliferation Treaty, which was ratified decades ago, bans the development of nuclear weapons by countries that do not already have them.) If the United States has not ratified the Test-Ban Treaty by the time of the review conference, non-nuclear-weapons states will note that we promised a test-ban treaty 5 years ago in return for the indefinite extension of the Non-Proliferation Treaty. What we will do if we don't ratify is risk undermining the nonproliferation resolve of the nonnuclear weapon states.

Ask any Member in this Chamber—Democrat or Republican; conservative, liberal, or moderate—get them alone and ask them what is their single greatest fear for their children and their grandchildren. I defy any Member to find more than a handful who answer anything other than the proliferation of nuclear weapons in the hands of rogue states and terrorists. Everybody agrees with that.

We have a nonproliferation treaty out there, and we have got countries who don't have nuclear weapons to sign, refraining from ever becoming a nuclear weapons state. But in return, we said we will refrain from testing nuclear weapons and increasing our nuclear arsenals.

Now what are we going to do? If we don't sign that treaty, what do you think will happen when the Nuclear Non-Proliferation Treaty signatories get together in the fall and say: ''OK, do we want to keep this commitment

or not?'' If the United States says it is not going to promise not to test anymore, then China will say it will not promise not to test either. India and Pakistan will say they are not going to promise to refrain from testing. What do you think will happen in every country, from rogue countries such as Syria, all the way to countries in Africa and Latin America that have the capability to develop nuclear weapons? Do you think they will say: ''It is a good idea that we don't attempt ever to gain a nuclear capability, the other big countries are going to do it, but not us?'' I think this is crazy.

Let me be clear. The Comprehensive Nuclear Test-Ban Treaty must not be treated as a political football. It is a matter of urgent necessity to our national security. If the Senate should fail to exercise its constitutional responsibility, the very future of nuclear nonproliferation could be at stake.

Two months ago I spoke on the Senate floor about the need for bipartisanship, the need to reach out across the chasm, reach across that aisle. Today I reach out to the Republican leadership that denies the Senate—and the American people—a vote on the Comprehensive Test Ban Treaty.

I was joined on Sunday by the Washington Post, which spoke out in an editorial against what it termed ''hijacking the test ban.'' I will not repeat the editorial comments regarding my friend from North Carolina who chairs the committee. I do call to the attention of my colleagues, however, one salient question from that editorial:

> One wonders why his colleagues, of whatever party or test ban persuasion, let him go on.

I have great respect for my friend from North Carolina. He has a deep-seated philosophical disagreement with the Test-Ban Treaty, and I respect that. I respect the majority leader, Mr. LOTT, who has an equally compelling rationale to be against the Test-Ban Treaty. I do not respect their unwillingness to let the whole Senate debate and vote on this in the cold light of day before the American people and all the world.

A poll that was conducted last month will not surprise anybody who follows this issue. But it should serve as a reminder to my colleagues that the American people are not indifferent to what we do here.

The results go beyond party lines. Fully 80 percent of Republicans—and even 79 percent of conservative Republicans—say that they support the Test-Ban Treaty.

And this is considered opinion. In May of last year, the people said that they knew some countries might try to cheat on the test-ban. But they still supported U.S. ratification, by a 73–16 margin. As already announced, today's poll results show even greater support than we had a year ago.

Last year's polls also show a clear view on the public's part of how to deal with the nuclear tests by India and Pakistan. When asked how to respond to those tests, over 80 percent favored getting India and Pakistan into the Test-Ban Treaty and over 70 percent saw U.S. ratification as a useful response.

By contrast, fewer than 40 percent wanted more spending on U.S. missile defense; and fewer than 25 percent wanted us to resume nuclear testing.

The American people understood something that had escaped the attention of the Republican leadership: that the best response to India and Pakistan's nuclear tests is to rope them in to a test-ban, which requires doing the same for ourselves.

The American people reach similar conclusions today regarding China's possible stealing of U.S. nuclear weapons secrets. When asked about its implications for the Test-Ban Treaty, 17 percent see this as rendering the Treaty irrelevant; but nearly three times as many—48 percent—see it as confirming the importance of the Treaty. Once again, the American people are ahead of the Republican leadership.

The American people see the Test-Ban Treaty as a sensible response to world-wide nuclear threats. In a choice between the Treaty and a return to U.S. nuclear testing, 84 percent chose the Treaty. Only 11 percent would go back to U.S. testing.

Last month's bipartisan poll—conducted jointly by the Melman Group and Wirthlin Worldwide—asked a thousand people ''which Senate candidate would you vote for: one who favored CTBT ratification, or one who opposed it?'' So as to be completely fair, they even told their respondents the arguments that are advanced against ratification.

By a 2-to-1 margin, the American people said they would vote for the candidate who favors ratifying the Treaty. Even Republicans would vote for that candidate, by a 52–42 margin.

Now, as a Democrat, I like those numbers. The fact remains, however, that both the national interest and the reputation of the United States Senate are on the line in this matter.

The national security implications of the Comprehensive Test-Ban Treaty must be addressed in a responsible manner. There must be debate. There must be a vote.

In sum, the Senate must do its duty—and do it soon—so that America can remain the world's leader on nuclear non-proliferation; so that we can help bring India and Pakistan away from the brink of nuclear disaster; and so that the United States Senate can perform its Constitutional duty in the manner that the Founders intended.

Let me close with some words from a most esteemed former colleague, Senator Mark Hatfield of Oregon, from a statement dated July 20. I ask unanimous consent that his statement be printed in the RECORD after my own statement.

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

(See Exhibit 1.)

Mr. BIDEN. He began:

> The time has come for Senate action on the CTBT ratification.

Senator Hatfield adduces some excellent arguments in favor of ratification, which I commend to my colleagues. But I especially want recommend his conclusion, which summarizes our situation with elegant precision:

> It is clear to me that ratifying this Treaty would be in the national interest. And it is equally clear that Senators have a responsibility to the world, the nation and their constituents to put partisan politics aside and allow the Senate to consider this Treaty.

Senators, that says it all.

EXHIBIT 1

STATEMENT BY SENATOR MARK O. HATFIELD ON CTBT RATIFICATION

The time has come for Senate action on CTBT ratification. Political leaders the world over have recognized that the proliferation of nuclear weapons poses the gravest threat to global peace and stability, a threat that is likely to continue well into the next century. Ratification of the 1996 Comprehensive Nuclear Test Ban Treaty by the United States and its early entry into force would significantly reduce the chances of new states developing advanced nuclear weapons and would strengthen the global nuclear non-proliferation regime for the twenty-first century. Just as the United States led the international community nearly three years ago by being the first to sign the CTB Treaty, which has now been signed by 152 nations, the Senate now has a similar opportunity and responsibility to demonstrate U.S. leadership by ratifying it.

The Treaty enhances U.S. national security and is popular among the American people. Recent bipartisan polling data indicates that support for the Treaty within the United States is strong, consistent, and across the board. It is currently viewed favorably by 82% of the public, nearly the highest level of support in four decades of polling. Only six percentage points separate Democratic and Republican voters, and there is no discernible gender gap on this issue. This confirms the traditional bipartisan nature of support for the CTBT, which dates back four decades to President's Eisenhower's initiation of test ban negotiations and was reaffirmed by passage in 1992 of the Exon-Hatifield-Mitchell legislation on a testing moratorium.

It is clear to me that ratifying this Treaty would be in the national interest. And it is equally clear that Senators have a responsibility to the world, the nation and their constituents to put partisan politics aside and allow the Senate to consider this Treaty.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes in morning business.

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

Mr. THOMAS. I thank the Chair.

TAX RELIEF

Mr. THOMAS. Mr. President, I want to visit a little bit a topic that will be coming before the Senate very soon, probably tomorrow, and that is tax relief and the reconciliation bill we will be considering.

To me that is one of the most important things before us, not only as the Senate but before us as American people. We ought to spend our time focusing on that issue.

I have been a little amazed at the comments that have been made this morning. I only heard part of them, but they said this tax relief will certainly damage the economy. I have never heard of anything like that in my entire life. More money in the hands of Americans will probably strengthen the economy. We heard about Alan Greenspan's comments. The fact is, his complete comments were that he would much rather see tax relief than expending those dollars in larger government, which basically is the alternative.

We ought to review again for ourselves and for listeners where we are with respect to the surplus, where we are with respect to the public debt, and with the President's proposal versus tax relief.

We all know we worked a very long time to have a balanced budget. For the first time in 25 years, we have a balanced budget, and we want to be sure the majority of the surplus is Social Security money. This is the first time we have done this in a very long time. It is largely the result, of course, of a strong economy and some efforts on the part of this Congress to have a balanced budget amendment, to have some spending caps to hold down spending.

What can we expect? According to the Congressional Budget Office which released their midsession review on July 21, the estimates are that the total budget surplus will measure $1.1 trillion to the year 2004, and to the year 2009 nearly $3 trillion in surplus will be coming in. The non-Social Security portion of that surplus will measure almost $300 billion to the year 2004 and nearly $1 trillion to the year 2009. This is the non-Social Security surplus that comes in to our budget.

The congressional budget resolution which talks about tax relief will leave the publicly held debt level at $1.6 trillion. The President's, on the other hand, will leave it at $1.8 trillion. With some tax relief, the reduction in publicly held debt under the tax relief program, the reconciliation program we will be talking about the next several days, will reduce the debt more than the President's plan which plans to spend the money.

These are the facts. It is interesting; the budget chairman was on the floor yesterday indicating that out of the total amount of money that will be in the surplus, less than 25 percent will be used for tax relief and it will still be $1 trillion.

These are the facts, and it seems to me we ought to give them some consideration.

Another fact that I believe is important in this time of prosperity, in this time of having a balanced budget and having a surplus, is the American people are paying the highest percentage of gross national product in taxes ever, higher than they did in World War II. Certainly, there is a case to be made for some sort of tax relief. If there are surplus dollars, these dollars ought to go back to the people who paid them. They ought to go back to the American people to spend as they choose.

There will be great debates about this, and there have been great debates about this. There are threats by the White House to veto any substaintial tax reductions. Sometimes one begins to wonder, as we address these issues, whether or not it should be what we think is right or whether we have to adjust it to avoid a veto. That is a tough decision. Sometimes we ought to say: All right, if we believe in something, we ought to do what we think is right. If the President chooses to veto it, let him veto it. Otherwise, we compromise less than we think we should. Those are the choices that have to be made.

We will enter into this discussion again, as we have in the past, with different philosophies among the Members of this body. Of course, it is perfectly legitimate. The basic philosophy of our friends on the other side is more government and more spending. The basic philosophy of Republicans has been to hold down the size of government and have less government spending.

There is more to tax reduction than simply tax relief. It has to do with controlling the size of the Federal Government. If we have surplus money in the budget, you can bet your bottom dollar we are going to have more government and more spending, and to me there is a relationship.

Of course, we need to utilize those funds to fulfill what are the legitimate functions of the Federal Government. It is also true that there is a different view of what are the legitimate functions of the Federal Government. I personally believe the Federal Government ought to be as lean as we can keep it. Constitutionally, it says the Federal Government does certain things and all the rest of the things not outlined in the Constitution are left to the States and to the people. I think that is right. I believe the State, the government closest to the people, is the one that can, in fact, provide the kinds of services that are most needed and that fit the needs of the people who live there.

I come from a small State. I come from a State of low population. The delivery of almost all the services—whether it be health care, whether it be education, whether it be highways—is different in Wyoming than it is in New York and, indeed, it should be. Therefore, the one-size-fits-all things we tend to do at the Federal Government are not applicable, are not appropriate, and we ought to move as many of those decisions as we can to the States so they can be made closest to the people.

We will see that difference of philosophy. There are legitimate arguments. That is exactly why we are here, to talk about which approach best fits the needs of the American people: whether we want more Federal Government, whether we want more spending, whether we want to enable more growth in the Federal Government, having the Government involved in more regulatory functions or, indeed, whether we want to limit the Government to what we believe are the essential elements with which the Federal Government ought to concern itself, or whether we ought to move to encourage and strengthen the States to do that.

We have on this side of the aisle, of course, our goals, our agenda. They include preserving Social Security. I am one of the sponsors of our Social Security bill which we believe will provide, over time, the same kinds of benefits for young people who are just beginning to pay and will maintain the benefits for those who are now drawing them. We can do that.

We have tried now I think five times to bring to this floor a lockbox amendment to make sure Social Security money is kept aside and is used for that purpose. We hope it will end up with individual accounts where people will have some of their Social Security money put into their own account where they can choose to have it in equities, or they can choose to have it in bonds, or they can choose to have it in a combination of the two. Increased earnings will accrue to their benefit, and, indeed, they will own it. If they are unfortunate enough to pass away before they use it, it becomes part of their estate.

Those are the things that are priorities for us. We want to do something with education. We sought to do that this year, to provide Federal funding of education to the States in the forms of grants so those decisions can be made to fit Cody, WY, as well as they do Long Island, NY, but quite differently.

We have done some military strengthening. We have done that this year. We want to continue to do that. We have not been able to increase the capacity of the military for a number of years. We need to do that. This is not a peaceful world, as my friends talked about.

Those are the choices. We will hear: If you are going to have tax relief, you cannot do these things. That is not true. We will have a considerable amount left over after we do a Social Security set-aside, after we do tax relief, and there will be adequate dollars to do Medicare reform and to do military reform. That is the plan, that is the program, and that is, I believe, what we should be orienting ourselves toward.

I hope that over the next several days we will have the opportunity to fully debate this. I think there will be great differences in how you do tax relief. There are a million ways to do it. Frankly, I hope we not only have tax relief but also that we help simplify

the tax system rather than make it even more complicated than it is. Therefore, I think those will be the issues we should really address.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to be recognized in morning business.

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

Mr. THOMAS. Would it be possible for me to make a unanimous consent request?

EXTENSION OF MORNING BUSINESS

Mr. THOMAS. I ask unanimous consent that the Senate continue in a period of morning business for 90 minutes, equally divided in the usual form.

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

The PRESIDING OFFICER. The Senator from Illinois.

TAX CUTS

Mr. DURBIN. Mr. President, this morning we devoted most of the morning business to a discussion of an item which will come before us soon, and that is the whole question of how our economy is to look for the next few years. There are two very different visions of that future which will be articulated on the floor—one on the Republican side and another on the Democratic side.

The Senator from Wyoming was kind enough to speak and to tell us earlier about his concerns over taxes. Certainly, his concern is shared by many on both sides of the aisle. He made a point which I think is worth noting and explaining. Yes, it is true that Federal tax receipts are higher than they have ever been from individuals and families, but it is also true the tax rates on individuals and families, in every income category, are at some of the lowest levels they have been in modern memory.

The reason why taxes and tax receipts are higher reflects the fact that the economy is strong, people are working, they are earning money in their workplace, as well as in their investments, and they are paying some tax on it.

If you look at the dynamic growth in taxation on American families, you will find it is not from Washington but, rather, from State capitals and local sources, local units of government. That, to me, is an important point to make as we get into a question of whether we should cut Federal taxes.

I, for one, believe we can cut Federal taxes and do it particularly for the lower and middle-income families and really enhance our economy—if they are targeted; if they are contained. Because people who get up and go to work every day, and sweat out the payroll tax, which is usually higher than their Federal income tax liability, are the folks who need a helping hand.

Sadly, the Republican proposal before us, which will be about a $1 trillion tax cut over the next 10 years, does not focus on the lower and middle-income families. It reverts to the favorite group of the Republican Party time and again in tax policy—those at the higher income levels. So we see dramatic tax cuts for the wealthiest American families and ''chump change,'' if you will, for working families.

That in and of itself is an injustice. The Republican Senator who spoke before me made the statement that he could not see why giving more money back to people to spend could possibly hurt the economy. In fact, it is a source of concern.

You notice that about once a month, or once every other month, we wait expectantly for news from the Federal Reserve Board as to whether they are going to raise interest rates. It is an important issue and topic for many Americans. If you have a mortgage with an adjustable rate on it, the decision by Chairman Greenspan of the Federal Reserve to raise interest rates will hit you right in the pocketbook. Your mortgage rate will go up. The payment on your home will go up.

Most people think this is a decision to be made looking at the overall economy. I suggest most American families look at interest rate decisions based on their own family. What will it do to my mortgage rate? What will it do, if I am a small businessperson, to the cost of capital for me to continue doing business? These are real-life decisions.

If the Republicans have their way this week and pass a tax break, primarily for wealthy people, injecting money into the economy, it will increase economic activity. It is expected, then, that some people will buy more. It may mean Donald Trump will buy another yacht or Bill Gates will buy something else.

That money spent in the economy creates the kind of economic movement which the Federal Reserve watches carefully. If that movement seems to be going too quickly, they step in and slow it down. How do they slow it down? They raise interest rates.

So the Republican plan, the tax break for wealthy people, the $1 trillion approach, is one which runs the risk of heating up an economy, which is already running at a very high rate of speed, to the point where the Federal Reserve has to step in. And once stepping in and raising interest rates, the losers turn out to be the same working families who really do deserve a break.

It has been suggested that if we, instead, take our surplus and pay down the national debt, it not only is a good thing intuitively that we would be retiring this debt, but it has very positive consequences for this economy.

Consider for a moment that in the entire history of the United States, from President George Washington through President Jimmy Carter, we had accumulated $1 trillion in debt. That means every Congress, every President, each year, who overspent, spent more Federal money than they brought in in taxes, accumulated a debt which over the course of 200 years of history, came to $1 trillion, a huge sum of money, no doubt.

But after the Carter administration, as we went into the Reagan years, the Bush years, and the early Clinton years, that debt just skyrocketed. It is now over $5 trillion. That is America's mortgage. We have to pay interest on our mortgage as every American family pays interest on their home mortgage. What does it cost us? It costs us $1 billion a day in interest to borrow the money, to pay off our national debt—$1 billion a day collected from workers through payroll taxes, from businesses and others just to service the debt.

So the question before us is whether or not a high priority should be reducing that debt. Frankly, I think it should be one of the highest priorities. You know who ends up paying that interest forever? The young children in our gallery here watching this Senate debate: Thank you, mom. Thank you, dad. Thanks for everything. Thanks for the national debt, and thanks for the fact that we are going to have to pay for it.

We have some alternative news for them that may be welcome. We have a chance now to help you out. We have a chance to take whatever surplus comes into the Federal Government because of our strong economy and use it to retire the national debt, to bring it down.

That is the proposal from the Democratic side, from President Clinton, and most of my fellow Senators who share the floor with me on this side of the aisle. It is a conservative approach but a sensible one.

The alternative, if we do not do it, I am afraid, is to continue to pay this $1 billion a day in interest on the debt and not bring it down.

If we stick to a disciplined, conservative approach, we can bring down this debt.

Chairman Alan Greenspan said last week: Yes, that is the highest priority. You want this economy to keep moving? You want to keep creating jobs and businesses, people building homes, starting new small businesses, and keeping inflation under control? He said the worst thing you can do is create new programs and spend it, going back to the deficit days. The second worst thing you can do, as the Republican proposal suggests, is give tax breaks to wealthy people. The best thing he said to do is to retire the national debt.

It is eminently sensible on its face. We step forward and say bringing down that debt is good for the economy, will not overheat it, will not raise interest rates. You see, if we can have interest rates continuing to come down, it helps families. How does that happen?

The Federal Government is a big borrower. Because of our $5 trillion-plus debt, we have to borrow money from all over the United States and around the world to service that debt. If we start getting out of the borrowing business, there is less demand for capital, and the cost of capital—interest rates—starts going down. What would a 1 percent reduction in the interest rate mean to families across America over the next 10 years when it comes to their mortgage payments? Savings of over $250 billion. Frankly, taking the conservative approach, paying down the national debt is not only good to keep the economy moving forward but, over the long term, the lower interest rates are good for everyone: good for families who want to buy homes; good for businesses that want to expand and hire more employees, and good all around.

That is the bottom line of this debate. The Republican approach is to spend it on tax cuts, give it to wealthy people. The Democratic approach is pay down the national debt, invest the money in Social Security and in Medicare. That, I think, is the more responsible course of action. What the Republicans would do in the second 5 years of their tax cut is actually mind-boggling, because they would be reaching into the Social Security trust fund to pay for these tax breaks for wealthy people. So folks today who are paying a high payroll tax, putting money in the Social Security trust fund so it is there for the baby boomers and others in the future, would actually be funding a tax cut for some of the wealthiest people in America instead of leaving that money in the Social Security trust fund where it belongs to meet the obligations of that system that is so important to millions of families.

I yield to the Senator from California for a question.

Mrs. BOXER. I thank the Senator from Illinois. We are having this conversation while we await the arrival of the interior appropriations bill, which I know we are both looking forward to working on with the rest of the Senate.

Nothing could be more important right now than the business that will come before this body tomorrow, a huge Republican reconciliation bill which includes these massive tax cuts to the wealthiest and, as a result of that, really crimps the functioning of the rest of the Federal Government.

Again, because my friend is so clear thinking, I underscore what he said in this colloquy.

The Democratic plan makes four very important decisions. First, the Democratic plan takes care of Social Security for the extended future. It says every single dollar of the surplus that belongs to Social Security will be locked up for Social Security, while the debt is paid down at the same time. The difference with the Republicans is, they dip into the Social Security trust fund 6 years from now.

Secondly, the Democratic plan says: What else is important? What else is the safety net for our people? Medicare. So it treats Medicare, in essence, the same way we treat Social Security. We treat it as the twin pillar of the safety net. We say we will take care of Medicare to the tune of over $200 billion. We lock that up. And while it is sitting there, it is used to pay down the external debt of the country.

The third thing we do—I have alluded to that—is debt reduction. Debt reduction is the external debt, the debt that is owed to private people, Americans and those around the world who pick up our bonds. We owe them debt. I see my friend from South Carolina who has pointed this out. Because of that debt, we are paying over $300 billion a year in interest payments which, as my friend said, is bad for the economy. It is wasteful. It does no good to anyone.

Then there is a fourth piece. That is, we take care of the business of Government. We leave enough over to take care of education, to take care of health research, to take care of airport safety, safety in the streets, highways, transit, the things that our people want us to do; we take care of the basic business of Government, no frills but the basic business of Government. Educating our kids is basic. If we don't do that, we are nowhere as a country.

My question to my friend is this: Unless we are not hearing the people, they want us to take care of Social Security and lock it up for the future. They want us to take care of Medicare and lock that money up for the future. They want us to reduce that external debt so the interest payments on the debt disappear. And they want us to take care of the basic business of Government: taking care of our kids, health research, the things we stand on this floor day in and day out talking about, how important it is to improve the quality of life for our people. That is what we do.

The Republicans, the only thing they do is take care of the wealthy. Yes, they take care of some of Social Security, but in the second 5 years, they are dipping into that pot, too.

Does my friend agree with the sort of wrap-up I have given of his remarks? Are we on the same page? And, in conclusion, does he think our plan meets the needs of our people and their plan is risky, it is frightening, it pays off the wealthy and does nothing for our other needs?

Mr. DURBIN. I agree with the Senator from California. I will say this only one more time on the floor. She may have missed it earlier, when I characterized this whole discussion about the lockbox. There is this proposal that comes forward that we create a lockbox for Social Security and for Medicare. In other words, you can't get your hands on it if you want to create a new program or whatever it might be. It is going to be separate, locked away from the grasping hands of any political leaders. So those who follow the debate will hear this: lockbox, lockbox, lockbox. But as we look carefully at the Republican tax break proposals, they reach into that Social Security lockbox in the year 2005 and start taking money out for tax breaks for wealthy people.

I said on the floor earlier, at that point it is no longer a lockbox, it is a ''loxbox,'' because it smells a little fishy. This is no lockbox, if you can reach in and take from it. That is, frankly, what we are going to face with the Republican tax break proposal.

I also say to the Senator from California and the Senator from South Carolina, who is the acclaimed expert when it comes to budget—and we are anxious to hear his comments and contribution—the other thing that is interesting is the Republican tax break plan is based on the theory that we are going to stick with spending caps forever. We are going to keep limitations on spending and appropriations forever. And with those limitations, the surplus grows, and they give it away in tax breaks primarily to wealthy people.

Look what is happening around here. The so-called caps are being breached and broken even as we speak. They came up last week and said—what a surprise—it turns out we have to take a census in America every 10 years. That is an emergency, an unanticipated event.

A census an unanticipated event? We have been taking the decennial census for centuries—not quite that long but at least for a long time. Now they are calling it an emergency to pay for the census so they can go around the caps, so they can spend the money.

It is my understanding that within the last few hours, the House of Representatives has also decided that spending for veterans hospitals is an emergency, and, therefore, we will go around the caps. Frankly, funding the census and funding veterans hospitals would be high on everyone's list here, but to call this an unanticipated emergency—most of the men and women who are being served by those hospitals served us and our country in World War II and Korea. We know who they are, and we know the general state of their health. It is predictable that they would need help at veterans hospitals. It is not an unanticipated emergency.

We are dealing in fictions; we are dealing in doubletalk, in an effort to get around the spending caps, which is the premise of the Republican tax break, that we are going to have spending caps forever. They are violating their premise even as they offer this tax break proposal.

I will make this last point to the Senator from California. She really addresses, I think, one of the basics. There are many on the Republican side who believe that, frankly, Government just gets in the way of a good life for Americans. I disagree. I think in many respects Government is important to a good life for many Americans and their families.

The Senator from California and the Senator from Illinois can certainly

agree on the issue of transportation. In Chicago, which I am honored to represent, virtually any radio station will tell you every 10 minutes the state of traffic on the major expressways around Chicago. I am sure the Senator from California can tell the same story. It is getting worse, more congestion, more delays, and more compromise in the quality of life.

We don't want to step away from a Federal contribution to transportation, not only highways but mass transit. Frankly, if we move down the road suggested by Republicans, it would jeopardize it. The same thing is true about crime. It ranks in the top three issues that people worry about. The COPS Program, which Democrats supported along with President Clinton, has created almost 100,000 new police. That brought down the crime rate in America. We want to continue that commitment to making our neighborhoods, streets, and schools safer across America.

Finally, education. I am glad the Senator from California noted this. The Federal contribution to education is relatively small compared to State and local spending, but it is very important. We have shown leadership in the past and we can in the future. It really troubles me to think we are now at a point in our history where, if no law is changed and everything continues as anticipated, we will need to build, on a weekly basis, for the next 10 years—once every week for the next 10 years—a new 1,000-bed prison, every single week for the next 10 years because of the anticipated increase in incarceration.

I think dangerous people should be taken off the street and out of my neighborhood and yours. But I don't believe Americans are genetically inclined to be violent criminals. I think there are things we can do to intervene in lives, particularly at an early stage, to make kids better students and ultimately better citizens. That means investing in education. The Republican plan steps back from that commitment to education, as it does from the commitments to transportation and fighting crime. That is very shortsighted. We will pay for it for many decades to come.

So this debate, some people say, is about a tax break. It is about a lot more. Will the economy keep moving forward? Will we make important decisions so the next generation of Americans is not burdened with paying interest on our old debt, and will we make good on our commitment to American families when it comes to important questions involving transportation, crime, education, and the quality of life?

Mrs. BOXER. Will my friend yield to me for a question?

Mr. DURBIN. I yield to the Senator from California for a question.

Mrs. BOXER. Mr. President, I want to ask him a question about an issue he and I have worked on together for so many years. It takes us back to when we were in the House together. We served together there for 10 years. That is the issue of health research.

Right now, only one out of every three approved grants is actually being funded. So that means cures for cancer, Parkinson's, AIDS, heart disease, stroke, you name it—the biggest killers—are not being found. In other words—let me repeat—we have one out of every three grants approved by the National Institutes of Health because they are very promising. If some scientist has a theory about how to cure prostate or breast cancer, he may not be able to get it done.

This will be my final question. As he goes through the Republican plan, which leaves virtually zero room, as I read it, for increases in this kind of basic spending, does the Senator not think we are shortchanging American families? When I talk to them, that is what they are scared of most.

Mr. DURBIN. I thank the Senator from California for her observation. Yes, many years ago when we were on the Budget Committee in the House, we worked together on medical research and dramatically increased the amount of money for it. It was one of the prouder moments serving on Capitol Hill. I have found, as I have gone across Illinois and around the country, that virtually every American family agrees this is an appropriate thing for the Federal Government to do—initiate and sponsor medical research.

A family never feels more helpless than when a disease or illness strikes somebody they love. They pray to God that the person will survive, and that they can find the best doctors. In the back of their minds they are hoping and praying that somewhere somebody is developing a drug or some treatment that can make a difference. And that ''somewhere,'' many times, is the National Institutes of Health in Washington, DC, in the Maryland suburbs nearby.

If we take the Republican approach of cutting dramatically the Federal budget in years to come for a tax break for wealthy people, we jeopardize the possibility that the NIH will have money for this medical research. That is so shortsighted.

It is not only expensive to continue to provide medical care to diseased or ill people, but, frankly, it is inhumane to turn our backs on the fact that so many families need a helping hand. I sincerely hope before this debate ends, we are able to bring Republicans around to the point of view that when we talk about spending on the Democratic side, it is for the basics—transportation, fighting crime, helping education, and medical research. I would take that out for a referendum across this land. I think that is the sensible way to go.

I yield the remainder of my time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

REALITIES OF THE BUDGET

Mr. HOLLINGS. I certainly appreciate it. I really appreciate the significance of and the emphasis the distinguished Senator from Illinois and the distinguished Senator from California are exchanging on the floor about the realities of the budget.

Mr. President, some years ago, there was this debate between Walter Lippmann and the famous educator, John Dewey, with relation to how to build a strong democracy. Mr. Lippmann contended the way to have and maintain a strong democracy was to get the best of minds in the various disciplines countrywide—whether in education, housing, foreign relations, financial and fiscal policy, or otherwise—and let them meet around the table and determine the needs of the Nation and the policy thereof; take care of those needs, give it to the politicians, give it to the Congress, and let them enact it. It was John Dewey's contention—no, he said, what we need is the free press to tell the American people the truth. These truths would be reflected through their Representatives on the floor of the national Congress, and the democracy would continue strong.

For 200-some years now, we have had that free press reporting those truths. But, unfortunately, until this morning—until this morning, Mr. President—they have been coconspirators, so to speak, in that they have joined in calling spending increases spending cuts, and calling deficits surpluses. Eureka. I picked up the Washington Post this morning, and on the front page, the right-hand headline, they talk about the shenanigans of emergency spending and calling up the CBO with different economic assumptions—finding $10 billion. Just go to the phone if you are Chairman of the Budget Committee, call up Mr. Crippen over at CBO and say: Wait a minute. Those economic assumptions we used in the budget resolution—I have different ones. Therefore, give me $10 billion more. It is similar to calling up a rich uncle.

That is now being exposed in the Wall Street Journal. Of all things, they are talking in the front middle section about national and international news headlines and talking about double accounting and how they give them credit for saving the money and spending it at the same time. There is a whole column by our friend David Rogers on page 24. So, eureka, I found it. We are now breaking through and beginning to speak the truth.

I know the distinguished Chair is very much interested in actual and accurate accounting, and the actual fact is we are running a deficit, the Congressional Budget Office says, of $103 billion this year, which ends with August and September—just 2 more months after this July, and we will have spent $103 billion more than we take in; namely, on the deficit.

So, Mr. President, when you hear all of this jargon and plans about surpluses and how they find them and

whatever else, you go to the books and you turn to their reports and you say: Wait a minute now. The President came out in his document here, the CBO report—and I hold in my hand the midsession review, which came out 10 days ago and I said: Wait a minute. Let me find out where they find this surplus.

On the contrary, on page 42, under the heading ''Total Gross Federal Debt''—Mr. President, I ask unanimous consent that this page be printed in the RECORD.

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

TABLE 21.—FEDERAL GOVERNMENT FINANCING AND DEBT WITH SOCIAL SECURITY AND MEDICARE REFORM [1]

[In billions of dollars]

	1998 Actual	Estimates					
		1999	2000	2001	2002	2003	2004
Financing:							
Surplus or deficit(−)	69.2	98.8	137.4	144.1	154.2	165.1	175.0
(On-budget)	−29.9	−24.8	.....	.....	.....	.....	.....
(Off-budget)	99.2	123.6	137.4	144.1	154.2	165.1	175.0
Means of financing other than borrowing from the public:							
Medicare solvency transfers	.....	.....	4.8	0.3	12.3	5.2	6.9
Changes in:[2]							
Treasury operating cash balance	4.7	−6.1	.....	.....	.....	.....	.....
Checks outstanding, etc.[3]	−10.5	−1.6	−1.2	.....	.....	.....	.....
Deposit fund balances	−0.8	−1.7	.....	.....	.....	.....	.....
Seigniorage on coins	0.6	1.0	1.0	1.0	1.0	1.0	1.0
Less: Net financing disbursements:							
Direct loan financing accounts	−11.5	−25.2	−21.2	−20.1	−19.6	−19.2	−17.7
Guaranteed loan financing accounts	−0.5	1.6	0.9	1.8	1.8	1.8	2.0
Total, means of financing other than borrowing from the public	−18.0	−32.0	−15.8	−17.0	−4.4	−11.2	−7.8
Total, repayment of the debt held by the public	51.3	66.8	121.6	127.1	149.8	154.0	167.2
Change in debt held by the public	−51.3	−66.8	−121.6	−127.1	−149.8	−154.0	−167.2
Debt Outstanding, End of Year:							
Gross Federal debt:							
Debt issued by Treasury	5,449.3	5,586.7	5,675.9	5,754.3	5,840.5	5,924.1	6,006.8
Debt issued by other agencies	29.4	28.6	27.7	26.7	25.7	24.3	23.0
Total, gross Federal debt	5,478.7	5,615.3	5,703.6	5,781.0	5,866.1	5,948.4	6,029.8
Held by:							
Government accounts	1,758.8	1,962.2	2,172.2	2,376.6	2,611.6	2,847.9	3,096.5
The public	3,719.9	3,653.0	3,531.4	3,404.4	3,254.5	3,100.5	2,933.3
Federal Reserve Banks[4]	458.1	.....	.....	.....	.....	.....	.....
Other	3,261.7	.....	.....	.....	.....	.....	.....
Debt Subject to Statutory Limitation, End of Year:							
Debt issued by Treasury	5,449.3	5,586.7	5,675.9	5,754.3	5,840.5	5,924.1	6,006.8
Less: Treasury debt not subject to limitation[5]	−15.5	−15.5	−15.5	−15.5	−15.5	−15.5	−15.5
Agency debt subject to limitation	0.2	0.1	0.1	0.1	0.1	0.1	0.1
Adjustment for discount and premium[6]	5.5	5.5	5.5	5.5	5.5	5.5	5.5
Total, debt subject to statutory limitation[7]	5,439.4	5,576.7	5,665.9	5,744.3	5,830.5	5,914.1	5,996.8

[1] Treasury securities held by the public and zero-coupon bonds held by Government accounts are almost entirely measured at sales price plus amortized discount or less amortized premium. Agency debt is almost entirely measured at face value. Treasury securities in the Government account series are measured at face value less unrealized discount (if any).

[2] A decrease in the Treasury operating cash balance (which is an asset) is a means of financing the deficit and therefore has a positive sign. An increase in checks outstanding or deposit fund balances (which are liabilities) would also be a means of financing the deficit and therefore would also have a positive sign.

[3] Besides checks outstanding, includes accrued interest payable on Treasury debt, miscellaneous liability accounts, allocations of special drawing rights, and as an offset, cash and monetary assets other than the Treasury operating cash balance, miscellaneous asset accounts, and profit on sale of gold.

[4] Debt held by the Federal Reserve Banks is not estimated for future years.

[5] Consists primarily of Federal Financing Bank debt.

[6] Consists of unamortized discount (less premium) on public issues of Treasury notes and bonds and unrealized discount on Government account series securities, except, in both cases, for zero-coupon bonds.

[7] The statutory debt limits is $5,950 billion.

Mr. HOLLINGS. Then you see the total gross Federal debt, and you see for the 5-year projection—from the years 2000, 2001, 2002, 2003, 2004—it goes from a debt of $5.7036 trillion to $6.298 trillion. That shows the debt going up. And everybody is talking ''surplus.''

Then I turn over to page 43. This is the President's projection. You can see over the 15 years—not 5 years.

I ask unanimous consent that page 43 be printed in the RECORD.

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

TABLE 22.—FEDERAL DEBT WITH SOCIAL SECURITY AND MEDICARE REFORM

[In billions of dollars]

	Estimates										Projections				
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Debt held by the public:															
Debt held by the public, beginning of period	3,653	3,531	3,404	3,255	3,101	2,933	2,744	2,525	2,262	1,964	1,625	1,249	944	637	335
Debt reduction from:															
Off-budget surplus:															
Surplus pending Social Security and Medicare reform	−137	−144	−154	−165	−175	−193	−202	−215	−225	−233	−243	−246	−248	−246	−241
Social Security solvency transfers	0	0	0	0	0	0	0	0	0	0	0	−107	−125	−145	−166
Returns on investment of transfers[1]	0	0	0	0	0	0	0	0	0	0	0	−3	−14	−27	−43
Medicare solvency transfers	−5	−0	−12	−5	−7	−10	−29	−59	−83	−113	−142	−67	−68	−65	−58
Less purchase of equities by Social Security trust fund[1]	0	0	0	0	0	0	0	0	0	0	0	110	139	172	209
Other financing requirements[2]	21	17	17	16	15	13	12	11	9	8	8	8	8	9	9
Total changes	−122	−127	−150	−154	−167	−189	−219	−263	−298	−339	−376	−305	−307	−302	−291
Debt held by the public, end of period	3,531	3,404	3,255	3,101	2,933	2,744	2,525	2,262	1,964	1,625	1,249	944	637	335	44
Less market value of equities	0	0	0	0	0	0	0	0	0	0	0	−110	−248	−420	−629
Debt held by the public, less equity holdings, end of period	3,531	3,404	3,255	3,101	2,933	2,744	2,525	2,262	1,964	1,625	1,249	834	388	−85	−585
Debt held by Government accounts:															
Debt held by Government accounts, beginning of period	1,962	2,172	2,377	2,612	2,848	3,096	3,363	3,667	4,012	4,394	4,823	5,299	5,822	6,374	6,949
Increase prior to Social Security reform	205	204	222	230	240	254	271	280	289	299	310	315	318	317	314
Social Security and Medicare solvency transfers	5	0	12	5	7	10	29	59	83	113	142	173	193	210	224
Earnings on solvency transfers invested in Treasury securities	0	0	1	1	2	2	3	6	11	17	25	35	42	48	55
Less purchase of equities by Social Security trust fund[1]	0	0	0	0	0	0	0	0	0	0	0	−110	−139	−172	−209
Total changes	210	204	235	236	249	266	304	345	382	429	476	523	552	575	593
Debt held by Government accounts, end of period	2,172	2,377	2,612	2,848	3,096	3,363	3,667	4,012	4,394	4,823	5,299	5,822	6,374	6,949	7,543
Plus market value of equities	0	0	0	0	0	0	0	0	0	0	0	110	248	420	629
Debt and equities held by Government accounts, end of period	2,172	2,377	2,612	2,848	3,096	3,363	3,667	4.012	4,394	4,823	5,299	5,932	6,623	7,369	8,172

[1] Includes accrued capital gains.

[2] Primarily credit programs.

Note: Projections for 2010 through 2014 are an OMB extension of detailed agency budget estimates through 2009.

Mr. HOLLINGS. Mr. President, you see the debt held by government accounts, end of period, $7.543 trillion, plus up there at the end of the period, the little 44, making an increase of debt to $7.587 trillion. There is the debt going up from $5.6 trillion to $7.6 trillion, an increase of $2 trillion in the debt.

Everybody is talking ''surplus.'' I wonder where in the world do they get the surplus. We are beginning to see it in the double accounting in the Wall Street Journal and otherwise.

Let's go to the Congressional Budget Office because my good friend, the distinguished Senator from Nebraska, talked about a $2.9 trillion surplus. He is right. In the rhetoric at the very beginning, they talk about a surplus here on page 2—cumulative onbudget surpluses of projected and total, nearly $1 trillion between 1999 and 2009. During that same period, cumulative off-budget surpluses will total slightly more than $2 trillion. That is where he finds, I take it, the $2.9 trillion.

I ask unanimous consent to have printed in the RECORD from the Congressional Budget Office report of July 1, page 19.

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

TABLE 10.—CBO BASELINE PROJECTIONS OF INTEREST COSTS AND FEDERAL DEBT

[By fiscal year]

	Actual 1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
NET INTEREST OUTLAYS (BILLIONS OF DOLLARS)												
Interest on Public Debt (Gross interest)[1]	364	356	358	358	350	345	342	338	333	328	323	316
Interest Received by Trust Funds:												
Social Security	−47	−53	−59	−67	−74	−82	−91	−100	−110	−121	−132	−144
Other trust funds[2]	−67	−68	−70	−73	−74	−76	−79	−81	−84	−87	−89	−92
Subtotal	−114	−120	−129	−140	−148	−159	−170	−182	−194	−208	−222	−236
Other Interest[3]	−7	−7	−6	−7	−7	−7	−8	−8	−8	−8	−8	−9
Total	243	229	222	212	194	179	164	148	131	112	92	71
FEDERAL DEBT AT THE END OF THE YEAR (BILLIONS OF DOLLARS)												
Gross Federal Debt	5,479	5,582	5,664	5,721	5,737	5,760	5,770	5,770	5,732	5,675	5,600	5,500
Debt Held by Government Accounts:												
Social Security	730	856	1,003	1,157	1,321	1,493	1,675	1,869	2,075	2,292	2,520	2,755
Other accounts[2]	1,029	1,107	1,188	1,267	1,350	1,431	1,510	1,589	1,666	1,743	1,813	1,880
Subtotal	1,759	1,963	2,190	2,425	2,670	2,925	3,185	3,458	3,741	4,035	4,333	4,635
Debt Held by the Public	3,720	3,618	3,473	3,297	3,066	2,835	2,584	2,312	1,992	1,640	1,267	865
Debt Subject to Limit[4]	5,439	5,543	5,626	5,684	5,700	5,724	5,734	5,736	5,699	5,643	5,568	5,469
FEDERAL DEBT AS A PERCENTAGE OF GROSS DOMESTIC PRODUCTS												
Debt Held by the Public	44.3	40.9	37.5	34.2	30.5	27.1	23.7	20.3	16.8	13.2	9.8	6.4

[1] Excludes interest costs of debt issued by agencies other than the Treasury (primarily the Tennessee Valley Authority).
[2] Mainly Civil Service retirement, Military Retirement, Medicare, unemployment insurance, and the Airport and Airway Trust Fund.
[3] Mainly interest on loans to the public.
[4] Differs from the gross federal debt primarily because most debt issued by agencies other than the Treasury is excluded from the debt limit. The current debt limit is $5,950 billion.

Source: Congressional Budget Office.
Note: Projections of interest and debt assume that discretionary spending will equal the statutory caps on such spending through 2002 and will grow at the rate of inflation thereafter.

Mr. HOLLINGS. Mr. President, I have given the American people, as John Dewey said, ''the truth,'' because you look from 2000 right on through where they talk about the gross Federal debt, and the gross Federal debt starts up from the year 2000 and increases to the year 2004 from $5.664 trillion to $6.029 trillion. It is the same for 2004 and 2005.

Yes. I will agree that the Congressional Budget Office shows a diminution, a reduction, in the deficit from the year 2005 to 2009 over the 4-year period. There is a saving or reduction in 2006 of $38 billion; a reduction in the year 2007 of $57 billion; a reduction in the year 2008 of $75 billion; and a reduction in the year 2009 of $100 billion. So it is a cumulative reduction of $270 billion.

They talk about a $2.9 trillion surplus? At best they could talk, under the Congressional Budget Office, about $270 billion.

The reason they even can find the $270 billion is the most favorable of circumstances. The most favorable of circumstances is, one, current policy, as they say on one of the pages here. It says that it assumes discretionary spending will equal the statutory caps on such spending through 2002, and will grow at the rate of inflation thereafter.

That is the most favorable circumstance—no increases; just cap the spending, and adjust inflation thereafter for the first 5 years and inflation thereafter for the next 5 years. It assumes no emergency spending.

We have already seen that they are calling, as the distinguished Senator from Illinois was pointing out, the census an emergency. They have veterans' benefits as an emergency and they have everything else as an emergency. It assumes also that there is no tax cut and that the interest rate stays the same. You have all of these favorable assumptions, and at best, under the Congressional Budget Office, a saving of $270 billion rather than $2.9 trillion.

I have been trying my best to get a time to get on this floor. I thank everybody for the simple reason that the best of circumstances here are that, yes, inflation is low; interest rates are down; unemployment is down; employment figures are up. We have the best of circumstances, to President Clinton's credit. Yes, the deficits have been coming down.

Having said that, as Alan Greenspan said earlier in the year, let's stay the course. Let's stay the course and make sure we continue this, if there is ever a time to pay down the bill—I am glad the Senator from Illinois touched on this—the interest costs.

I was a member of the Grace Commission against waste, fraud, and abuse. We created during the 1980s the biggest waste in the world by voting a 25-percent across-the-board tax cut. Here we are about to repeat the crime. That is a crime against common sense. It is a crime against future generations. There isn't any question about it.

But everybody is talking about a tax cut. Republicans are talking one tax cut. The Democrats are talking, the White House is talking, and everybody is talking tax cut when in reality we don't have any taxes to cut. We don't have any revenues to lose. Everybody knows that. We created the biggest waste in that year. The interest costs are practically $1 billion a day on the national debt.

On the same page as we have included in the RECORD, page 19, you will see in the 10-year period, from 2000 through 2009, we spend on interest costs—total waste—$3.4441 trillion for nothing over the 10-year period.

They are talking about fanciful surpluses out of the atmosphere that do not exist, and otherwise not talking about the tremendous waste for the crass hypocrisy of this monkeyshine of politics that we have to somehow neutralize the Republican tax cut with our tax cut. Come on. Can't we neutralize ourselves with the truth for a change? We are spending $3.4 trillion.

I see my distinguished colleague, the Senator from North Dakota, looking. I must have already used up my time.

I yield to the distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. HOLLINGS. Yes.

Mr. DORGAN. Mr. President, yesterday on NPR's ''Morning Edition,'' Kevin Phillips, a Republican author and commentator, had some interesting comments, and I wonder if the Senator from South Carolina had an opportunity to hear this Republican commentator discussing the House of Representatives tax cut.

Tax bills often deal with Pie in the Sky. The mind boggling ten-year cuts passed late last week by the House of Representatives however deserve a new term: Pie in Stratosphere.

He points out that the top 1 percent would get 33 percent of the tax cuts; the bottom 60 percent get only 7 percent of the tax cuts.

I thought the last paragraph of this Republican commentator was interesting:

We can fairly call the House legislation the most outrageous tax package in 50 years. It's worse than the 1981 excesses, you have to go back to 1948, when the Republican 80th Congress sent a kindred bill to President Harry Truman. Truman vetoed it, calling the Republicans bloodsuckers, with offices in Wall Street. Not only did he win reelection, but the Democrats recaptured Congress. We'll see if Bill Clinton and Albert Gore have anything resembling Truman's guts.

This is from a Republican commentator. He points out the amount of these tax cuts extending 10 years into the future, by economists who predict these surpluses; economists who can't remember their phone numbers and their home addresses are telling Americans that in 3, 5, 10 years in the future we will have big surpluses. What do we do? The House of Representatives says: Give most of the surpluses back to 1 percent of the people.

A Republican columnist, Kevin Phillips, says it is the most outrageous tax package in the last 50 years.

Can the Senator from South Carolina comment?

Mr. HOLLINGS. I will comment, too, on what the Senator from Illinois discussed about the lockbox and why we can't talk. We couldn't talk about lockbox, and we couldn't get cloture for the simple reason they would not allow my amendments. I gave them notice. I sent a ''Dear Colleague'' letter to all Senators. I said, No. 1, I will put in a true lockbox. It was worked out with the Social Security Administration. Ken Apfel, who used to work with me when I was chairman of the Budget Committee, is now the Social Security Administrator. The only way to get a true lockbox is to not double the counting and say, I saved it, but then spend it. On the contrary, actually require the Secretary of the Treasury to deposit those amounts each month, place the Treasury bills you have to issue for the debt of Social Security back into the Social Security trust fund.

Somebody says: Wait; what are you going to do with that money? Do exactly what all pension reserves and insurance companies do: Keep it there—what we did for 35 years, from 1935 to 1968, until this changed in 1969. I was going to put a cap on the debt. They think it is a surplus. Say whatever the debt is as of September 30th, in 2 months' time, cap it off. Say that can't be exceeded. Put that limit there and find out who is telling the truth.

They are talking surpluses. I am saying it is deficits. It is debt increases.

Also, cut out the monkeyshine. The distinguished Senator from New Mexico and I had challenged the late Senator Chiles when he was chairman of the Budget Committee and he started using different economic assumptions. We lost on appeal of the ruling of the Chair, but we came around with 301(g) and wrote in the Budget Act that you couldn't have the new economic assumptions different from those in each particular budget resolution. These are the things we wanted to put in with respect to getting truth in budgeting when we passed Gramm–Rudman-Hollings back in 1985.

We have gone totally astray—the White House, Republican and Democrat, the news media—until this morning. That is my point. I thank the Wall Street Journal, I thank the Washington Post for finally reporting some of the truths out here. If we can't level with the American people, no wonder they are talking about ''what kind'' of tax cut. They all want to pay down the debt. When they use the expression, ''pay down the debt'' or the ''public debt,'' it doesn't pay any debt at all.

Those T bills come due during the next 10 years and are not renewed. In the meantime, while they are not being renewed, the debt is transferred over to Social Security and other trust funds, so we owe Social Security this very minute $857 billion; by the year 2009, we will owe Social Security $2.7 trillion. Then they talk not only of surpluses but saving Social Security, how we have extended the life of Social Security, when we have actually bankrupted the blooming program.

Mr. President, $2.7 trillion by 2009; we get to 2013, when they really need the money, and it will be over $3 trillion. What Congress will find $3 trillion to start paying the benefits? This is serious business.

I see the distinguished Senator from Wyoming.

Mrs. BOXER. Mr. President, I have one question.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, our side hasn't had 1 minute of debate on this; the other side has used up 45 minutes.

Mrs. BOXER. I ask for 2 additional minutes so that the senior Senator may answer a question.

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

Mrs. BOXER. Has the Senator heard from his people that they are clamoring for the tax cuts? Has he heard from his people who are earning in the high dollar amounts, and who will benefit from this, that they want the tax cuts?

Someone earning $800,000 a year is going to get back $22,000 a year, and someone earning $30,000 gets back $100 bucks. Are the phones in his office ringing off the hook with people asking for these tax cuts and to forget about Social Security and Medicare?

Mr. HOLLINGS. I thank the distinguished Senator and will limit my time so the Senator from Wyoming can take the floor.

The answer is, no, the phone is not ringing off the hook. I had this in the campaign for reelection last year. I put in a value-added tax in order to retire the deficit and the debt. Of course, I was called ''High Tax Hollings.'' I said, rather than tax cuts, we ought to get rid of the national debt and the waste of interest costs of $1 billion a day. I was reelected.

We have the most Republican of all States. South Carolina is the most conservative of all States.

Somehow the truth is coming around to the American people, or at least to the Washington Post and the Wall Street Journal as of this morning. I thank them for that.

The PRESIDING OFFICER. The Senator from Wyoming.

TAX RELIEF

Mr. ENZI. Mr. President, I thank the Senator from South Carolina for his comments. As the accountant in the Senate, I appreciate when others join in the debate about the accounting issue, that if there is a surplus, why is the national debt going up? It is a very simple test. It is printed in the RECORD.

It is our duty to be sure there is good accounting around here; that we aren't keeping two sets of books; that we aren't borrowing the best of each world. The articles mentioned, I point out, said everybody is involved in this. The President is even accepting the best of both worlds so that things can be done this year rather than future years when a more accurate surplus shows up.

The best anybody is estimating now is $3 trillion in surplus. This is supposed to be a true surplus after Social Security. We are almost $6 trillion in debt. Even if all the surplus went to debt, we would still be $3 trillion in debt. That is a lot of money.

However, what we are talking about today isn't whether it is true surplus or not. We are not talking about spending down the national debt. We are talking about spending versus tax relief. Taking away from tax relief by the Democrats isn't with the intent of paying down the national debt. It is to put the money into new programs. We already have programs not adequately funded

in this country. We have programs we have dedicated ourselves to in the past that are not adequately funded.

We keep hearing ideas from the other side. We all have ideas about how to spend our money. We hear the ideas for new spending programs, which we will also inadequately fund. However, it is spending versus tax relief.

If Members are confused, it is confusion in the rhetoric just heard: spending versus tax relief. We are saying there will have been a true overpayment of $3 trillion. That is an overpayment of your tax money.

Do you want that spent on new programs, or do you want to get some of it back? That is the issue.

If we are truly talking about paying down the national debt—Senator ALLARD and I have a bill that calls for paying off that national debt. It does not call for just paying down the national debt, but it calls for paying off the national debt over a 30-year period just as you pay a house mortgage. We are all familiar with that. It has been talked about on this floor this morning. It would pay it down like a house mortgage with 30 years of payments.

How do we do that? We take $30 billion of that a year, plus the interest we save by paying down the debt, and we pay it off over a 30-year period. It does not have all the pain everybody talks about, but it is something we owe to future generations. It was not the future generations who spent the money; it was us. We have an obligation to start the payments. We are buying a house for future generations, and, yes, they will have to make some of the payments on it because it extends over 30 years. But we can pay off the national debt, and we can do it and still have money to do some of the other things.

There is a bill that will put that on 30-year payments. I hope the people will pay a little bit more attention to it while we are touting paying off the national debt. That should be an important factor for us. That is not what the debate is about. The debate is about spending versus paying back overpayment of taxes.

I listened to these 45 minutes of speeches that preceded me, and it appears to me the Democrat definition of wealthy is anyone who pays taxes: If you pay taxes, you ought not get any back; we just have to worry about the poor.

Everybody in this country gets something from the Government—everybody. As we look at the other people, sometimes it appears as if they are getting more, but everybody gets something from the Government. We are in a situation in this country where almost half the people do not pay taxes. When that slips over half in a democracy, in a republic where we vote for our elected officials, what will be the sole source, the sole reason, for that vote? Whether we pay taxes or not. There will always be some paying taxes, and those who pay the taxes when there is an overpayment ought to receive some of their money back.

The President has been saying he wants to save Social Security first, that he wants to extend the life of Medicare second, and let me—it is a little confusing what comes third; I think it is spending and then tax relief.

I have listened to two State of the Union speeches where the message was: Save Social Security first. I am still waiting for the plan, a true plan. I have seen the plan where money is taken from Social Security and put into the trust fund and then a check is written for spending, and all the trust fund winds up with is IOUs. That is the way it has been, it is the way it is, and it is the way the President wants it to be.

You can take that money and, instead of putting it back into regular spending, you can put it back into Social Security. This is the greatest pyramid scheme that has ever happened. You can show where you get that trust fund up a couple trillions of dollars, and it is just by spending the money in the trust fund and putting it back in again. It is the same money being counted time after time. We cannot put up with that. That is not true accounting. That is what we have been talking about this morning. That does not save Social Security.

We do have a crisis coming up in Social Security. There are at least five plans on Social Security. The best of each of those plans can be combined into one, and we can save Social Security first.

Medicare is extremely important. There are a lot of people relying on it. Do my colleagues know what the biggest debate in Medicare is these days? How we can spend more money, how we can include more people, include more benefits. And we are still leaving those people who are really counting on Medicare dangling. We have a trust fund that we are spending. It is revolving, too. We have to quit doing the IOUs.

There is something else that is a little misleading on this tax policy. This is not a Republican plan; this is a bipartisan plan which passed out of the Finance Committee. If my colleagues will check the Washington Post that everybody seems so intent on quoting this morning, they will find a guest editorial by BOB KERREY who explains why the tax relief package is important and why he voted for the tax relief package. It is a bit more complicated than anything I am interested in, but every Senator does not get his own way on a tax package, and I am willing to recognize that.

Again, we need to save Social Security, we need to strengthen Medicare, we need to take care of debt reduction, and I have already suggested a way that might be done. There is a bill that will do that relatively painlessly over a 30-year period. I do hope that, instead of going into a whole bunch of new spending programs, some of which are very new and not well thought out, we will look at tax relief for every American taxpayer as the money is available, and that is giving a tax break to those who are paying the tax.

I also want to talk about small business and individual death relief. It is a big issue in my part of the country. Most of Wyoming is small businesses. Those small businesses are sometimes retailers, sometimes manufacturing, quite often they are ranches and farms.

Let me tell you what happens when the head of household dies. The IRS estimates the value of his property—estimates it. I have not heard anybody saying that those estimates are low. They estimate the value of the property, and that family sells off part of the land or all of it to pay that tax debt. If one sells off a part of a ranch or a farm, quite often what they are left with is not economically viable. In fact, in the current economic situation there is a lot of question about the economic viability of the future of our family farms and ranches. There is tremendous concern for that.

We also have this death tax we impose by IRS estimates at the time of death. If I were involved in the Finance Committee final decisions on these things, the way I would work that is not to have an estimate at the time of death. Instead, I would have the real value at the time there is any sale. If that stays in the family, it keeps the same basis it always had and they do not have to estimate it. When the property is sold, when the business is sold, you are not eliminating an economically viable business at that point in time. At that point in time, you are just collecting the revenues for a true value on a sale. There are other ways that can be enhanced, and I hope in an incremental way they will be.

I see the Senator from Texas is here. I have joined her in working on marriage tax penalty relief, a grossly unfair situation in the United States. We are not putting our tax policy where our mouth is. We are saying we want stronger families in this country, and then we are penalizing marriage. We cannot have that.

There are a number of changes that need to be made in our tax policy. When I came here, I was very naive. I anticipated that Senators sat down in little groups and talked about policy like this and then crossed outlines and added words and came up with bills on which people agreed. I am a little disappointed in how much cross-communication there is here.

I congratulate the Finance Committee for the work they did on this tax package. It is a bipartisan tax package. I hope people will work to improve it, that they will work not only on the Senate side but they will work on the other side of this building. Often it looks to me as if we have more conflicts between the House and Senate than we have between Democrats and Republicans.

When one is listening to the rhetoric on whether we are going to spend,

which is the reason for not doing tax relief, or do tax relief, pay attention to the debate, and, yes, my colleagues will hear some dissension among the Republicans, probably because we understand taxes and want to come up with the best possible plan, the best possible way to deal with any overpayment that comes up.

I thank the Chair and yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague from Wyoming for talking about the tax cuts and why we need them because we heard a lot of debate this morning about that very issue.

I think we are getting down to the core issue between how the Democrats on their side of the aisle would spend taxpayer money and how the Republicans would spend taxpayer money.

I think you can tell right off the bat what people are going to think about tax cuts by how they describe them. When they talk in terms of: How much is it going to cost us to give tax cuts to the American people, right away you know they believe the money you earn belongs to them.

We believe the money you earn belongs to you. We do not think we have a choice to take that money and go spend it on some program that you may or may not like. But if you had the choice of whether to spend $500 to take your children on a vacation or to make a car payment or to save for a downpayment on a home, or a program that may or may not affect you, most people would rather make the decisions themselves.

So let's talk about some of the issues that have been raised this morning.

First of all, if I heard ''reckless'' one time, I heard it 100 times this past weekend. Let's talk about ''reckless.'' We have $3 trillion estimated as our surplus. Let's talk about how we are going to spend that, and let's see if it seems reckless.

We are going to set aside 75 cents of every dollar of the surplus for paying down debt, for strengthening Social Security, for spending on Medicare, education, and other sources. That will be 75 cents on the dollar to pay down debt, strengthening Social Security, strengthening Medicare, and other spending items.

And 25 cents of every dollar is going to be given back to the people who earned it. So 75 percent to pay down debt; 25 percent given back to the people who earned it.

We are not a corporation. We do not have a choice of what to do with profits. We take just as much money as we are going to need to fund legitimate Government programs and services. That is what governments do. Anything left over goes right back to the people who earned it.

Right now, the people of our country are paying more in peacetime taxes than ever in our history. They deserve to have some of that money back. Many families have two income earners just to cover the taxes so they can keep their quality of life for themselves and their children. We want them to have the quality of life they choose, not by taking taxes from them but by letting them decide how they spend the money they earn.

I am reading a headline in the Washington Post that says: ''Clintons Plan Appeal to Women on Tax Cut.'' They make the argument that we are not going to do anything for Medicare, and if we do not strengthen Medicare it is going to hurt women the most because they live longer.

I agree with the premise that women live longer, and cutting Medicare so that it is not there for them would hurt women the most, but that is not what the Republican plan does. The Republican plan does set aside the money for Medicare.

I would ask the President, when he is talking about strengthening Medicare, why he chose to disregard his own Medicare trustees and the bipartisan plan they supported that would have strengthened Medicare on a bipartisan basis and would have given prescription drug help to those who need it that was agreed to by both sides of the aisle in Congress; and yet the President walked away from that Medicare reform. Today he is saying our plan does not help Medicare, when he had a chance to help Medicare and he walked away from it—a bipartisan effort of Congress to save Medicare.

I do not think the President can have it both ways.

Let me tell you what our tax plan does for the women of our country.

No. 1, we eliminate the marriage penalty tax. If a policeman marries a schoolteacher, they owe $1,000 more in taxes to the Federal Government because they got married. The highest priority the tax cut plan has is to eliminate that penalty. I would say that is very good for the women of our country because they are often the ones who are discriminated against with the marriage penalty tax. We are going to correct that with our tax cut plan. I think that is good for the women of our country.

No. 2, I have introduced a bill for the last 3 years that would allow women who leave the workplace and have children and decide to raise their children, either 6 years before they start school or even 18 years if they decide to, when they come back into the workforce they would be able to buy back into their pension plans as if they had not left.

You see, women are discriminated against in our country, in the pension system especially, because they are the ones who live the longest and they have the lowest pensions. They have the lowest pensions because women are the ones who have children and who stay home to raise them for at least part of the early years, and they never get to catch up under the present system.

I commend Senator ROTH for making that a priority in the Senate tax cut bill, that we would stop discrimination in the pension plans of women in the workforce by allowing them to catch up.

So I think we have done a lot for women. We are setting aside the money to strengthen Medicare; $500 billion over 10 years for added spending on Medicare, education, defense. We need to have that cushion—$500 billion.

In addition to that, we set aside all of the Social Security surplus—every single penny. We fence it off for Social Security because that is the No. 1 concern, and it is the No. 1 stabilizing force for the elderly in our country. That is the first priority in our whole plan. Also, $2 trillion goes directly to Social Security reform and stabilization. That will be fenced off.

The other $1 trillion we want to divide among spending increases and tax cuts. We believe it is a balanced plan. We believe the American people deserve to have back in their pocketbooks the money they earn in order to make the decisions for their families. Also, we have been especially attentive to trying to bring equality for women back into the system.

It is the Republican Congress that gave women the right to contribute equally to IRAs. Before we had our tax cut plan 2 years ago, women who didn't work outside the home could only set aside $250 a year for their retirement security; whereas, if you worked outside the home, you could set aside $2,000 a year. That has gone away. We have equalized women who work outside the home and women who work inside the home with our IRA spousal opportunities.

Now we have to go back and help them on pensions, too. That is where the lion's share of the stability is for our retired people. It is in their retirement systems. That is where women have been hit the hardest because it is women, by and large, who have the children and who will stay home and raise them. I applaud the men who do this, and I appreciate them, but by and large, it is the women who do it. When they come back into the workforce, they are penalized by not being able to have the opportunity to buy back into their pension system so they will have stability when they retire.

Our bill does target women. It is a balanced bill. It saves Social Security. It contributes to more Medicare. It allows for added spending, and it gives tax cuts to the working people who earn this money. We don't own this money. The people who earn it own it. That is the difference I ask the people of our country to look at as we go through this debate.

Listen to how people talk about tax cuts. If they talk about what it costs the Federal Government, then they don't think your money belongs to you. If they talk about it in terms of how do

we best give it back to the people who own it, then you know we are looking out for the hard-working American who owns the money and wants to do his or her fair share to contribute to government but isn't looking to finance a landslide.

Mrs. BOXER. Will the Senator yield for a question on the amount of money that a person who earns $800,000 a year gets in a tax break compared to the person who earns $30,000? Will she answer that question?

Mrs. HUTCHISON. Yes, I will answer that question because the Senator from California raises a good point. You have to look, in an across-the-board tax cut, at what people are paying in taxes. A family of four who makes $30,000 doesn't pay taxes. I am glad they don't.

Mrs. BOXER. They certainly do pay taxes. Under your plan, they get back $121 of their hard-earned income. Under your plan, the $800,000 person gets back $22,000. If you earn a million, you get back $30,000. I think when the Senator says hard-working Americans, she is talking about, in their plan, hard-working, very wealthy Americans, unfortunately, leaving out the bulk of the people.

Mrs. HUTCHISON. Actually, I think the Senator from California is overlooking the fact that everyone gets an across-the-board tax cut. In fact, in the Senate plan, it is weighted toward the lower levels because you only have the 1-percent decrease in the 15-percent tax rate.

The average person who pays hundreds of thousands of dollars in taxes is going to receive about $400 in tax relief in the Senate plan. The House plan is different. The House plan gives 10 percent across the board based on how much you pay, which I think is fair. I think everyone should get the benefit according to what they have paid.

The Senate plan is very heavily weighted. I am surprised the Senator from California would oppose something that does help people at the lower end of the scale.

Mrs. BOXER. I say to my friend, read the CBO estimate. If you earn $30,000, you get back $121. That is it. If you earn $800,000, according to CBO, you get back an average of $22,000.

Mrs. HUTCHISON. How much does the person pay at $30,000, and how much does the person pay at $800,000?

Mrs. BOXER. They pay sales taxes. They pay income taxes. I say to my friend, this bill is so unfair to the average working person that the wealthy people get back twice as much as someone working full time on the minimum wage. I look forward to this debate.

Mrs. HUTCHISON. I look forward to the debate as well. I think it is very important that we give across-the-board tax cuts, and I think everything that we can give back to the people who earn it is something I am going to support.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank my colleague from Texas for her remarks, and I also thank the two Senators from Wyoming for their remarks this morning regarding tax cuts.

Our economy has been doing well. It is an unprecedented time of economic growth. Whenever our economy does well, everybody does well. People who are poor do well. You can break it out to any type of economic group you want, but everybody does well because the total tide comes up.

I happen to believe our economy is doing well because we have worked hard in the last decade, decade and a half, to hold down taxes, to reduce the regulatory burden, and to promote good economic growth.

The last effort by the Republicans in the Congress to make sure we continue to have good, strong economic growth in this country was when we dropped the capital gains rate. Nobody is talking about the profound impact that reducing the capital gains rate has had on this country's economic growth. Historically, every time we have dropped capital gains, whether it was during the Kennedy administration or whether it was during the Reagan administration—in some cases, I have seen that happen in my own State of Colorado—revenues to the Federal Government increase.

Today tax revenues to the Federal Government are at a historic high. There is a windfall. There is more money coming into the Federal Government than any of us would have imagined. I think we need to give back some change to the American people. It is their money. They worked hard to earn the money. Consequently, I think they should be the primary recipient of a windfall.

The people of Colorado were blessed because a Republican legislature, with a Republican Governor, returned dollars that came in unexpectedly as revenues to the State of Colorado. They returned it to the taxpayers of Colorado, the people who earn the money, who pay taxes. I happen to think my State of Colorado, under their leadership, has set a great example for the country. I certainly hope this Congress will move forward with a meaningful tax break that will make a difference in people's lives.

We hear a lot of figures thrown around here on the floor. We just heard an example of some of the numbers that had been thrown around this morning and then this afternoon about what is happening to our budget.

We have figures that have come out of OMB. We have figures that have come out of CBO. Let's just take one agency so we are comparing apples with apples and oranges with oranges. I don't think it is fair to pick some of the figures out of OMB and then some of the figures out of CBO and make comparisons. We need to go with one agency.

Let's make a comparison between what the President has done with his plan and the Democrat Party, and what the Republican leadership is pushing for. Let's take the figures from the Congressional Budget Office and see what they look like, comparing the President's budget with what the Republicans are putting together and what they would like to see happen for the future of America.

The President's budget, as reported in the latest report issued by CBO, on July 21, 1999, would leave a public debt of $1.80 trillion in 2009. When you compare that to the Republican proposal, it is over $200 billion higher than the amount left under the congressional budget resolution and the tax cut.

Let's look at the President's budget in terms of the total surplus under CBO's scoring. CBO says the President's budget saves just 67 percent of the total surplus. Now, that compares to a 75-percent saving of the total surplus by the congressional budget resolution and tax cut on the Republican side. President Clinton's budget contains $1 trillion in new spending. I think this issue is really more about spending than about taxes. The President wants to have the money so he can continue to spend more and more. We have heard from the big spenders. They would much rather increase spending than cut taxes. I think we ought to cut taxes instead of increasing spending.

President Clinton's budget, again, contains $1 trillion in new spending. That is 25 percent larger than the Republicans' $792 billion reconciliation tax cut. President Clinton's budget increases taxes by $100 billion over the next 10 years, according to the CBO report, in contrast to the largest middle-class tax cut since Ronald Reagan that is being offered by the Republicans. President Clinton's budget spends the Social Security surplus, the off-budget surplus, for fiscal years 2000, 2004, and 2005 by a total of $29 billion. Now, that is in contrast to the congressional budget resolution and tax cut where the Social Security trust fund is not raided at all in any year.

Even Democrats don't agree necessarily with their own President on his obsessive stand against tax cuts. I can think of one problem to which a Democrat, a friend of mine with whom I serve on the Intelligence Committee, who also happens to be on the Finance Committee, refers. He says: ''To me, cutting taxes when we have $3 trillion more coming in than we forecast in the neighborhood''—he is talking about his $800 billion tax proposal—''is hardly what I call an outrageous, irresponsible move.''

Some of the Members of the Senate on the other side who have been talking this morning are talking about more spending as opposed to wanting to cut taxes. They say they are willing to run on that agenda. I am willing to take our agenda as Republicans and put it up against what the President is proposing in his plan for the American people. This Republican Congress, I

think, has the right message and has the right approach for protecting the future of America.

I think this is great. I am willing to brag about the fact that we protect every cent of Social Security's $1.9 trillion surplus in every year, which adheres to the spending agreement reached with the President in 1997. It also leaves $277 billion to finance emergencies and other priorities, like Medicare and prescription drugs, or simply additional debt reduction, yet still proposes returning $792 billion of the $1 trillion personal income tax overpayment to the taxpayers—I will run on that. I would be glad to run against any Democrat who would come up and say that he supports the President's plan which proposes to increase taxes by $100 billion over the next 10 years, a plan that, despite the largest Federal budget surplus in history, wants to increase taxes, wants $1.1 trillion more spending than a Congress which is adhering to the 1997 budget agreement, which raids Social Security for $30 billion over the next 10 years, which retires over $200 billion less in public debt than the Congress, and which would still not provide a single cent in net tax relief, despite a $1 trillion personal income tax overpayment.

I would be glad to run on that. It amazes me that as we get closer to the election, more and more of the debate gets to be toward cutting taxes. But when we are out from the election, then people criticize Republicans. Other Members in this body, on the other side, criticize Republicans for trying to do the responsible thing and recognize that the windfall that is coming into the Federal Government, the windfall that is coming into the States, actually belongs to the people. They are the ones who worked hard and the ones who earned it.

I want to come down on the side of many of my colleagues on the Republican side who have argued for a tax cut. I think we can do that and pay down the debt. As Senator ENZI mentioned in his comments earlier this morning, we can do both. We can pay down the debt. We can provide for a tax cut, and that is the responsible thing to do. To say that the responsible thing to do is more spending, I believe, is irresponsible.

I want to let it be known that I am strongly in favor of a tax cut, and I am strongly in favor of paying down the debt. I believe we can do both.

I yield the floor.

ORDER OF PROCEDURE

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I understand the other side had time, which would expire at 12:30, but I don't want to cut into that time.

The PRESIDING OFFICER. The other side has 4 minutes 5 seconds left.

Mr. BAUCUS. Mr. President, if the Senator from Colorado is not going to use that time, I ask unanimous consent to speak for the remaining 4 minutes.

Mr. ALLARD. Mr. President, if he asks unanimous consent to be allowed to speak for 2 minutes, I will be glad to yield that time.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business when the Senate reconvenes at 2:15, for 15 minutes, and that Mr. SESSIONS be allowed to speak for 12 minutes as in morning business immediately following my remarks.

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

RECESS

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

Thereupon, the Senate, at 12:27 p.m., recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Montana is recognized.

THE TAX ''SURPLUS''

Mr. BAUCUS. Mr. President, when the tax reconciliation budget comes before the Senate tomorrow, I plan to offer an amendment which will provide for a lockbox on the Social Security surplus; that is, all the payroll tax surplus that would otherwise go to the Social Security trust fund would be locked into that trust fund. The amendment also provides that one-third of the onbudget surplus be set aside for Medicare.

Why am I doing that? Very simply, Mr. President, because I believe that as we leave this century and this millennium and as we move into the next century and the next millennium, we are faced with a historic opportunity to make decisions that are going to either correctly or incorrectly affect lots of Americans.

What do I mean? Very simply this. A little history first:

About 18 or 19 years ago, after the 1980 elections, this Congress passed a very large tax reduction bill—very large—proposed by the President and passed by this Congress.

What happened as a consequence of that very large tax cut in 1981? I think all commentators will agree—at least a vast majority of commentators will agree—that it caused the deficits in this country to shoot up and the national debt to rise. That tax cut was accompanied by a big increase in defense spending. I am not going to quarrel how much that increase was correct or incorrect. But the agreement is—and by far most people agree—that as a consequence of that action deficits rose dramatically.

If we add up the annual deficits beginning with President George Washington and continuing every year through all the Presidents in American history, up through and including Jimmy Carter, they total about $1 trillion.

In 1988, when Congress passed a tax cut, what happened? The national debt shot up. Why? Because deficits shot up. The national debt in 1980 was about $1 trillion. Twelve years later, the national debt was about $5-, $6- or $7 trillion. It increased $4- or $5 trillion, from $1 trillion to $6- or $7 trillion in that 12-year period—a huge national debt—and we are paying interest on that national debt in the neighborhood of $267- to $280 billion a year. That is what happened.

What did Congress do? It passed two tax increases. The Republican President, Republican Congress, passed two tax increases. There was a significant tax increase in 1982 because the deficits were going out of sight and, in 1984, another tax increase with the Republican President, Republican Congress because the deficits were still going out of sight. That is what happened in the 1980s when Congress was tempted and succumbed to the get-rich-quick siren song with huge tax reductions. That is what happened: instant gratification. However, the future kids and grandkids paid for it in the national debt increase. We passed on the burden and gave it to ourselves, saddling the future with the burden. That is what we did in 1981, pure and simple.

In 1999, what happened? Through a lot of factors, including the Democratic President and the Democratic Congress in 1993, we enacted a large deficit reduction, half tax increases and half spending cuts. Economists agree, as a consequence of that, the national deficit started coming down. The debt starting coming down.

That is not the only reason the debt started coming down. The economy was doing pretty well. Interest rates were down, probably because the market saw the President was going to get a handle on spending and handle on the deficit because the deficits were so high. With increasing technology and globalization, American firms became much more competitive in competing in world markets. The American economy did very well in the last several years as a consequence of all those factors. Incomes have gone up, payroll tax revenues have gone up, and income tax receipts have gone up.

What does that mean today? In 1999, we are projecting a $3 trillion surplus over the next 10 years. Mr. President, $2 trillion of that is payroll tax revenue increases, which we all agree will go to the Social Security trust fund; $2 billion of the $3 billion comes from payroll taxes, and we all agree it will go to the Social Security trust fund. That leaves $1 trillion in the surplus. That $1 trillion is generated by income tax receipts.

The question before the Congress is: What are we going to do with that $1 trillion? That is the question. As we are poised to move into the next millennium, I say we ought to make careful decisions about that. We better not

blow it. We better be careful, be prudent with the taxpayers' money, and do what is right.

What is right? I have two charts. The first chart shows the proposal that will come to the floor tomorrow, passed by the majority party, that will provide for a huge tax cut of $792 billion over 10 years. You have to add back $179 billion in interest over 10 years on the national debt because of the tax cut. That means the debt will go up, with more interest payments to make. What does that leave? That leaves $7 billion less after 10 years. That is all.

Man, oh, man, I could stand here for days and days and talk about the problems with that proposal. Let me mention a few. No. 1, this is only a projection. We have no idea what the surplus will be over the next 10 years. It is just a guess. Most commentators think the economy is overheated now. Maybe there is a bubble economy, and maybe the economy will not do so well over a good part of the next 10 years compared to the last 5 or 6 years.

This is a projection. What do we do with the projection? We are locking in tax cuts for the future, offset by a hope that we will have the revenues to pay for it. That is what we are doing. That is one thing that is wrong with this: A tax cut in place by law, offset by a hope that the money will be there—and it probably won't be there.

Second, I point out that the tax cuts are, in fancy parlance, backloaded. Most go into effect near the end of the 10-year period, meaning in the next 10 years, boy, we will really pay. That is when the deficit will start to increase. I said ''deficit'' increase, not ''surplus.''

The next chart shows that the baby boomers will start to retire about the year 2010, and in 2020 and 2030 most baby boomers will be hitting retirement age. That is when the tax cuts go into effect an even greater amount, meaning we have less money to take care of the baby boomers.

I say the size of this tax cut is much too much. Alan Greenspan does not agree with it. He says now is not the time for a tax cut because he knows it will tend to put upward pressure on interest rates. We all don't want to see an increase in interest rates.

In addition, there is nothing left over for Medicare. Medicare is an extremely important program for Americans. Ask Americans which national programs they think make the most sense, and most, I daresay, think Social Security is one and Medicare probably is another. Before Medicare went into effect, 50 percent of seniors had no health care; 50 percent had no health care benefits or programs when Medicare went into effect. Now virtually every senior has some kind of health care program.

What are the current problems with Medicare? There are several. Let me name three. No. 1, it does not provide for prescription drugs. Senior citizens get drugs when they are in the hospital, but Medicare will not pay for prescription drugs when they are out of the hospital. There is zero payment under Medicare for prescription drugs.

We all know that health care is changing in America. It is changing a little bit more from procedures and a little more toward drugs, DNA benefits, and things of that nature. Drugs have become much more important. That is one problem with Medicare. We have to provide for prescription drugs. Medicare does not now provide for outpatient prescription drugs.

No. 2, this Congress cut back on Medicare payments too much in 1997 with the so-called Balanced Budget Act of 1997. Medicare payments to hospitals increased significantly, I think on average about 10 percent over the 1990s. Now it is negative, it is cut back, because of provisions this Congress enacted a couple of years ago, which were too great, too much. We all hear it from our hospitals back home, whether they are teaching or rural hospitals, that it has been too much. That has to be dealt with. The majority budget does not deal with it, which is another reason for my amendment.

No. 3, Medicare is in trouble, folks. We all talk about Social Security. The Social Security trust fund will not reach zero deficit for 20 or 30 years. The Medicare trust fund will come down to zero, depending upon who is making the estimates, perhaps 12 or 15 years from now, much sooner than the Social Security trust fund.

I say, therefore, we should pay attention to Medicare. The amendment I will offer will provide that one-third of the on-budget surplus, one-third of the $1 trillion, will be dedicated to Medicare.

I know the arguments. We have to have structural reform of Medicare first before we can put more money into Medicare. I think most agree we need both structural reform and additional money for Medicare. When we in the Congress begin to address structural reform in Medicare, my guess is we will probably not have money anyway so it is good to set aside one-third of the on-budget surplus for Medicare.

If we do not need that one-third at the time, we can send it back to the people in tax cuts or we can use it for veterans' care or for education or for whatnot.

In summation—and I thank the Chair for his patience—at the appropriate time, I will be offering an amendment along with Senator CONRAD to provide that one-third of the on-budget surplus be dedicated to Medicare along with the off-budget surplus dedicated to Social Security. I thank the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the time for Senator SESSIONS be reserved for use later in the day.

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

Mr. VOINOVICH. I also ask unanimous consent that I be recognized for up to 15 minutes as in morning business and that Senator LANDRIEU follow me.

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

THE TRUTH ABOUT BUDGET SURPLUSES

Mr. VOINOVICH. Mr. President, there is an old saying most of us learned as children that goes: If it sounds too good to be true, then it is. The news we have been hearing about bigger than expected budget surpluses for the next 10 to 15 years is precisely that—too good to be true.

Why is that? After all, our economy is strong and is still growing, unemployment is at record lows, and the strength of our economy means our Government is able to take in more revenues from taxpayers and businesses alike. Most people would say things are wonderful. Indeed, just ask anyone. Ask the President. Ask Congress. They will tell you there is money for increased spending, there is money there for tax cuts, and we will be able to meet all our needs. After all, we have these enormous surpluses for as far as the eye can see.

The truth of the matter is, there is no budget surplus. Let me say it again: There is no budget surplus. The truth is, we are actually running a budget deficit this year. According to both CBO and OMB, as this chart from CBO shows, we currently have an on-budget deficit of $4 billion, and the only way the President, or anyone else, can claim a budget surplus today is by taking that surplus and accumulating the Social Security trust funds and using it to mask the deficit, just as we used Social Security to mask the deficit in 1988.

I recall, as Governor of Ohio, everyone celebrating the great budget surplus. The fact of the matter is, in 1988, we were $30 billion in the hole, and what we did with that $30 billion in the hole was mask it with Social Security. For over three decades, Presidents and the Congresses have been using this gimmick: unifying the budget in order to make budget deficits smaller than they really are.

It is disingenuous. It continues to jeopardize the stability of the Social Security trust fund, and it is about time we had our lockbox. The American people are smarter than Washington politicians give them credit. They know their Social Security pension funds are being raided for other Government spending programs. They are mad about it, and they want us to stop doing it.

We need to get honest budget surplus numbers, and in order to do that, we need to leave Social Security alone and pay attention to creating an on-budget surplus.

But here is the President's 15 years of projected surpluses. The whole bar is the unified surplus. The green part is the off-budget Social Security trust fund, and the red part is the true on-

budget surplus. As the President says, there is going to be $6 trillion by the end of fiscal year 2014. But under his projections, he will have an on-budget surplus of $2.868 trillion. The rest of his projection is Social Security.

Look at the line on this chart. It is not until fiscal year 2011—fiscal year 2011—before we even see 50 percent of the projected on-budget surplus. In other words, in order to get this great surplus we are supposed to have during the next 15 years, it is not going to be until 2011 that we are actually going to have 50 percent of the on-budget surplus available to us.

We will have to go into the 12th year of the President's 15-year projections to get a majority of those surplus dollars. How can we in good conscience talk about spending increases or tax cuts today when we do not even start to get the majority of the money until 12 years from now? It is inconceivable. That is the next President—8 years if he gets reelected—and then we are into a new President.

The most frightening aspect of all this is numbers are just predictions. They are not real. But both the Congress and the President are treating their projections as if they are gospel truth, and each is contemplating major fiscal decisions based on their particular beliefs and projections. That is not sound public policy.

In fact, last week, CBO Director Dan Crippen said in testimony before the Senate Budget Committee that ''10-year budget projections are highly uncertain'' and that ''economic forecasting is an art that no one has truly mastered.'' That is from the Director of the Congressional Budget Office, the man in charge of making Congress' surplus projections.

Indeed, as most economists will tell you, the only thing predictable about projections is their unpredictability. So how can we be sure that 5, 10, 15 years from now we will actually have these budget surpluses? The truth is that we cannot.

In testimony before the House Banking Committee, Federal Reserve Chairman Alan Greenspan said:

> . . . it's very difficult to project with any degree of conviction when you get out beyond 12, 18 months.

Twelve to 18 months—not 5 years, 10 years, 15 years. He said 12 to 18 months.

In addition, he stated that

> . . . projecting five or ten years out is very precarious activity, as I think we have demonstrated time and time again.

When the Nation's premier economist warns Congress not to invest in long-range projections, it makes sense for us to listen.

If we think back, we will remember it was only 2 years ago that CBO was projecting huge increased budget deficits as far as the eye could see. In fact, in 1997, CBO projected a $267 billion budget deficit for fiscal year 2000. Think of it. But today, CBO is projecting a $14 billion surplus for fiscal year 2000—a $281 billion swing in just 2 years.

If you think a 2-year swing of that magnitude is incredible, in just the last 6 months, President Clinton's budget projections put together by OMB have swung by a mind-boggling $1 trillion—a trillion dollars. That is more than 10 percent of our national gross domestic product.

The important thing to remember is that a $1 trillion paper surplus can vanish just as easily as it appeared, and if we commit to spending hundreds of billions of dollars we do not even have yet, we are placing our Nation's economic future in serious jeopardy.

As former Senators Sam Nunn and Warren Rudman wrote in the Washington Post:

> The surplus is only a projection that cannot be spent. If spending is increased or taxes are cut based on the expectation of huge surpluses and the projection turns out to be wrong, deficits easily could reappear where surpluses are now forecast.

Given all that uncertainty about whether or not we will have a budget surplus next year, it makes the most sense for us to remain cautious. We should wait and see if the budget surplus we are currently projecting for fiscal year 2000 even materializes before we embark on new spending programs, as the President and the Democrats in Congress want to do, or cut taxes as Republicans are proposing.

As Chairman Greenspan said:

> I see no reason why we have to make decisions crucially at this point until we are sure that we really have got the surplus in tow.

That is Alan Greenspan who has been keeping things in pretty good shape for us the last several years.

Why does the President feel the need to quickly spend the surplus we may achieve over the next 15 years? Why are we talking about cutting taxes by $800 billion over 10 years when we do not have the surplus in hand yet? I think eliminating the death tax, relieving the marriage penalty, and lowering income-tax rates are great ideas, but how are we going to pay for them?

Personally, I do not think we have any business talking about new spending increases or tax cuts so long as we have this gigantic national debt. Right now, our Nation faces a whopping $5.6 trillion national debt, a debt that has risen 600 percent over the last 20 years.

I remind my colleagues, with each passing day, we are spending $600 million a day just on interest on the national debt—$600 million a day.

Most Americans do not realize that 14 percent of their tax dollar goes to pay off the interest on the debt, 15 percent goes for national defense, 17 percent goes for nondefense discretionary spending, and 54 percent goes for entitlement spending.

Look at this pie chart: entitlements, 54 percent; interest on the debt, 14 percent out of every dollar. We are only spending 15 percent on national defense—and the President knows we need to do better in that regard—and nondefense discretionary spending, 17 percent.

We are spending more on interest payments today than we spend on Medicare. We are spending five times as much on interest than we spend on education; 15 times as much as we spend on research at the National Institutes of Health.

Even if the on-budget surpluses do happen to come true, then what better way to keep our economy humming and secure for the future of our children and our grandchildren than by paying down the national debt.

Indeed, as Federal Reserve Chairman Greenspan testified before the House Ways and Means Committee:

> [T]he advantages that I perceive that would accrue to this economy from a significant decline in the outstanding debt to the public and its virtuous cycle on the total budget process is a value which I think far exceeds anything else we could do with the money.

I think we have a problem. Do you really think that Congress would make the tough choices we are going to need to make to get rid of $27 billion this year in order to maintain the budget caps? I do not think it is going to happen. I think many people today are saying that for defense spending, to deal with Medicare, we are probably going to have to break the caps.

If we break the caps, the $14 billion surplus of next year is gone; it is gone. We need to recognize there is no surplus. And if the economic circumstances provide an on-budget surplus—and, boy, we would love to have that—we need to use that money to pay down the debt: no spending hikes, no tax cuts, just pay down the debt.

If the President and Congress need an example, all we have to do is emulate what most American families do when times are good and they have extra money. They do not go out and start spending wildly. They look to pay off their debts—credit cards, loans, and mortgages. It is the responsible thing to do, and it is something that Government must do.

It was interesting. I was at a meeting the other day and asked the people at the table: What do you think about reducing taxes, with this projected surplus? And they came back to me—conservative businessmen—and said: You know, usually you reduce taxes when the economy is in trouble.

One of the gentlemen said: You know, today what people are concerned about is Social Security, and they are concerned about Medicare.

It doesn't make any difference whether they are old or young. If they are young, they are worrying about their parents in the future.

At this stage in the game, it seems to me the best thing we can do is cool it. I urge my colleagues to stop and look at the projected numbers because they are not real. And if we continue to treat them as if they really are, the consequences of spending money we do not have will be very real and, I think, very bad for the United States of America.

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

Mr. VOINOVICH. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. Two and one-half minutes remain.

Mr. VOINOVICH. I would prefer not to yield because I promised the Senator from Louisiana that she would have time. So I would rather not yield at this time.

I yield to the Senator from Louisiana.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding that the Senator from Louisiana is going to be recognized for 10 minutes. I would like to ask, how much time remains on the Democratic side under this morning business segment?

The PRESIDING OFFICER. The time is not allocated to the parties. It was allocated to the individual Senators who requested the time. The Senator from Ohio has been using some of the time from the Senator from Alabama.

Ms. LANDRIEU. I thank the Senator from Ohio for recognizing that I want to speak for 10 minutes. I would be happy to yield several minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me say at the outset to my friend, the Senator from Ohio, what a breath of fresh air he is. I commend him. I believe his statement is as forthright as any given on the floor concerning the state of the economy, whether we have a real surplus or we do not, and what is the prudent thing to do. Because what the Senator from Ohio learns when he goes home is the same thing I have learned as a Democratic Senator going home to Illinois: People do not have this passion for tax cuts or brand new spending programs.

The first thing they say to me is: What are you going to do to get rid of this national debt, this debt that started off at $1 trillion at the end of President Carter's administration and is now over $5 trillion? I say to the Senator from Ohio, it is my understanding that that debt costs us, as taxpayers, $1 billion a day. They net it out, because we earn interest as taxpayers, and state it is only $600 million. But the debt itself costs us about $350 billion a year.

The businesspeople and families I speak to in Illinois have the same response that the Senator from Ohio has spoken to on the floor: What are you going to do to get rid of this debt so our children are not burdened with these interest payments? We are really trying to square away the books from the last 20 years.

What the Senator from Ohio said on the floor, I think, is a very wise course of action. That should be our highest priority: reducing the debt and keeping our obligations to Social Security and Medicare.

I do not want to put words in the mouth of the Senator from Ohio, but my fear is those who anticipate surpluses that may not materialize could put us on a bad track. We could be headed back toward deficits, toward red ink, and toward an economy we do not want to see.

The same business people I speak to say, there may come a time, if we have a recession, when a tax cut is the right medicine because it would give the American families more money to spend and bring us out of a recession. But certainly we are not in those days now.

We have a strong economy, a vibrant economy; and, if anything, the fear is it may overheat with too much demand. If that happens, the Federal Reserve Board steps in and raises interest rates, which penalizes every family with an adjustable mortgage and business people who are trying to keep and expand their business.

The Senator from Ohio has really laid the basis for a sensible bipartisan approach. I hope we can work together, as we have in the past. I have admired his independence and the fact that he has been very forthright in his views. I listened carefully to what he said during the course of his statement. I think it really provides a common ground for a bipartisan approach that really is good for the economy and good for future generations.

As I see the Senator from Louisiana is prepared to speak, I yield back the remainder of my time.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I commend the Senator from Ohio for his remarks about the importance of our Social Security surplus and preserving it so we can invest and strengthen something the American people and the American families have come to rely on and to appreciate. It is actually something that sets us apart from many nations in the world, that we actually have a safety net that works for older Americans—to honor the fact that they have worked hard through their lives, sometimes at minimum wage jobs, for 30 and 40 and 50 years.

We say, as Americans, if you are president of a corporation or if you are an owner of a small business, or even if you are a minimum wage laborer, we want to have a retirement system that keeps you out of poverty when you are simply at an age where you cannot work and increase your income.

So it is important to us. It is a value. It is something more than just a program. It is something more than just a Government program or an initiative. It is a value of America. I think both sides of the aisle recognize that.

Although there are some differences in the way we would approach the specific lockbox notion, we have made great strides in recognizing that $2 trillion of this $3 trillion surplus needs to be set aside for Social Security. It is important for our Nation. Most certainly, it is important to people from Louisiana. I commend him and also commend the Senator from Illinois for underlining some of those points.

TAX CUTS

Ms. LANDRIEU. I come to the floor today to talk about another particular aspect of fiscal responsibility that is so important. We are in the middle of one of the most important debates of this Congress that may have repercussions for the next generation or two, an opportunity that we haven't really had since 1981 when there was a huge tax cut, and, many of us think, an irresponsible tax cut given at that time that drove our deficits tremendously upward and raised the debt of this Nation.

We are now in the process of debating what to do with our great fortune, a real surplus in non-Social Security revenues. We know what we want to do with the Social Security surplus, and that is to set it aside to strengthen this program because it is a value that Americans share. What do we do with the non-Social Security surplus?

I am one of the Members on this side who hope we can find some measure of tax relief for hard-working, middle-income, low-income Americans, to do it in a way that helps to close the gap in this country between the haves and the have-nots, that helps our children in the next generation to become part of this new economy. I hope we can fashion some smaller, responsible, well-thought-through, and careful tax relief for low-income and middle-income families that will help them, their children, and their grandchildren to participate in perhaps the greatest economic boom to ever happen in the history of the world, not just in this Nation, not just in this democracy, not just in this century, but an economic prosperity that is unprecedented in the history of many nations.

What we want to do if we are going to have a tax cut—and I certainly support one that is responsible and along responsible fiscal lines—is to craft it in such a way that it helps to give our children and our grandchildren the opportunity to participate by improving their skills, by improving their opportunity to create their own businesses, by creating perhaps opportunities for them to participate in this new economy.

One of the things that is very important to our generation and to the generations to come is reflected in a new poll that was just released this week by Frank Luntz, commissioned by the Nature Conservancy, about fiscal responsibility. It is also about the Department of Interior, the appropriations bill we are going to be discussing for that Department also this week.

One of the important issues is how we might reallocate surpluses in our continued quest for fiscal responsibility in this Nation, how to direct

some of the revenues coming into the Federal Treasury. A great source of revenue that has been coming into the Federal Treasury over the last 50 years at about $4 billion a year—sometimes more, sometimes less—for a total of $120 billion since 1955 has been money from offshore oil and gas revenues. That money, from the Outer Continental Shelf of the United States, primarily off the shores of Louisiana, contributed to a great deal by Mississippi, Texas, and Alaska, the producing States, has gone in the Federal Treasury and has been used basically for general operating funds.

I and many of my colleagues on this and the other side of the aisle, a bipartisan coalition, think now is the time, as we debate what to do with these surpluses, as we debate how to reallocate some of these revenues, as we debate what are the proper investments to make in the next century regarding tax reductions and investments in education, to talk about making a strong, permanent commitment to our environment.

As the poll results I am going to submit for the RECORD this afternoon indicate, by a wide majority, Republicans and Democrats, young and old, people who live on the east coast and the west coast, people who live in the flat plains and in the mountains overwhelmingly support a real trust fund and a real commitment to preserve parks, recreation areas, open spaces, and wildlife in this Nation.

That is what one of the bills, S. 25, which has been moving through this process both in the House and the Senate, will do. It would make permanent a source of funding from Outer Continental Shelf revenues within the framework of a balanced budget, in a very fiscally conservative way, by using these revenues that are coming from a nonrenewable resource.

One day these oil and gas wells are going to dry up. I spent my time and energy trying to take some of these tax dollars that are already being paid to invest in something that will last for generations to come, something the American people want to pay for, something the American people believe in; that is, creating open spaces for parks and recreation.

I will submit this polling information for the RECORD. I rise to speak for a few minutes about the importance of fiscal responsibility, about a tax cut that could be meaningful, if it is done correctly, and about the potential of using some of these dollars—not raise dollars but redirect some of our dollars into a program that is so important to the American people—full funding for land and water conservation, funding for needs of coastal cities and coastal communities, and also wildlife conservation programs throughout the Nation.

I thank the Chair and yield back the remainder of my time.

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

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I ask unanimous consent to address the Senate as in morning business for 10 minutes.

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

Mr. TORRICELLI. I thank the Chair.

ALLOCATION OF RESOURCES

Mr. TORRICELLI. Mr. President, by any measure, this is an extraordinary time in the life of our country. It appears that as the American century comes to a conclusion, the chances are good that what the world is going to witness is simply another American century, where our dominance may be exercised by different technologies, our power may be measured by different means, but our dominance is just as certain.

The quality of life in America is rising to new heights. Our economic strength could be measured by many means, but it is considerable. Home ownership is now at the highest rate in the Nation's history. In 6 years the United States has created 18 million new jobs, more than all of Western Europe and Japan combined. Unemployment is near record lows in the postwar period—genuinely an extraordinary time. Nothing surprises Americans more than that we are witnessing not simply the growth of an economy, employment and economic opportunities, but the Federal Government itself is participating in this extraordinary transformation.

The United States is about to accumulate in our Government budget not only the largest surplus in American history but the largest surplus in the history of any nation in any government budget. Indeed, it is now projected to be $1 trillion larger than was anticipated only several years ago. By the year 2009, the total accumulated surplus of the U.S. Government could be an astonishing $2.9 trillion.

The fundamental question now before this Government as we begin to plan for the next decade, the beginning of a new century, is how to allocate these resources.

The U.S. Government is in a new experience. For more than 50 years we have been in the business of allocating pain. The dominating issues before the U.S. Government were winning the cold war and overcoming the budget deficit. All decisions were seen through these twin prisms. Many of our hopes and ambitions for our country and our people needed to be postponed.

In 1993, the Deficit Reduction Act was a defining moment in that struggle. This Congress, with the Clinton administration's leadership, was facing deficits as high as $300 or $400 billion per year. It was artificially raising interest rates, causing problems with private investment, and difficulties in economic growth.

The extraordinary vote of that year, passing each institution of the Congress by a single vote, did as much to change American economic history as any single act of the 20th century.

(Mr. CRAPO assumed the Chair.)

Mr. TORRICELLI. For all of us who participated in the 1993 Deficit Reduction Act, it is probably the singular achievement and the greatest source of pride in our careers. For the American people, it is more than a source of pride; it is a source of new freedom. These surpluses allow us to dream again about rebuilding schools, providing child care, improving the quality of instruction, repairing American infrastructure, funding higher education. Things that were postponed by all these years of debt, struggle, and sacrifice have been made possible again.

But it is important to remember in this transformation, in these last 6 years, there are other heroes, too, more important than the Members of Congress who cast these votes—the people who gave up more and did more to create this new American prosperity. They are simple American families who did without Government programs, Government employees who saw Federal employment decline, people who suffered at declines in Government spending in all measures, and American taxpayers who paid more in Federal taxes to reduce the debt.

It is important to remember because, as we think about the opportunities for education and health care and other Government programs this Federal surplus provides, so, too, is the American taxpayer to be remembered. I do not quarrel with the administration—indeed, I support their notion—that the first obligation in committing these new surplus funds is to protect Medicare and Social Security. It is our first obligation. It is not our only obligation.

Of the approximately $3 trillion of Federal surpluses to be allocated in the next 10 years, $2 billion of it will be required to ensure that Social Security and Medicare are protected. But certainly, with the remaining $1 trillion in accumulated surpluses over the next decade, there is the ability in this Congress to provide some tax relief for working American families. The tax burden of the United States is now the highest since the Second World War.

Middle-class families, who were once in low-income brackets, through prosperity and inflation, have seen themselves, while still facing the enormous costs of education and housing and the requirements of an ordinary American life, facing tax brackets of 28 and 33 percent. Today, a family of four, living on a combined income of $72,000, which can be the simple income of a schoolteacher or a police officer or a public servant, is taxed at 28 percent, instead of the 15 percent which should, and once did, represent the Federal tax rate of middle-class Americans.

It is wrong—it is even unconscionable—to ask a young mother and father trying to raise children, with the high

cost of living in the United States, to postpone educational decisions or housing decisions, the requirements of building a family, to pay a 28-percent tax on a combined family income of $50,000, $60,000 or $70,000. It is not right. But mostly, with a Federal surplus of $1 trillion in the next decade, after protecting Social Security and Medicare, it is not necessary.

I believe the first obligation of a Federal tax relief is to expand the 15-percent bracket to genuinely include Americans who are in the middle class, to place them in the tax bracket where they belong. The Roth plan participates in this strategy by expanding the bracket and by lowering the 15-percent bracket to 14 percent. It is a good beginning, but it is not a complete plan.

The other twin tax crisis in America is not high rates but disincentives for savings which are causing a crisis in savings in America. The national savings rate in the United States is now the lowest since the Second World War. In May, our national savings rate was a minus 1.2 percent—a negative rate of savings not seen since the Great Depression. It has no corollary in the Western World, and it is a long-term, economic, Governmental and social problem.

Sixty percent of all Americans who retire rely solely on Social Security. More than 50 percent of Americans effectively have no net worth of any appreciable value, other than their home. It is a rational economic response to a tax system that provides discouragement for savings and encouragement for consumption.

I believe this tax reduction legislation about to be considered by the Congress can provide a new beginning, first, by expanding the traditional IRA from $2,000 to $3,000. It is notable that when the IRAs were first instituted at $2,000, had they merely kept pace with inflation all these years, it would now allow for a $5,000 deduction rather than the continuing $2,000 level.

Second, people who accumulate $10,000 in a savings account in America to provide themselves some security from the crisis of life, or for their retirements or to prepare for their children's futures, should not be taxed. The Federal Government has no business—indeed, it should have a disincentive—to ever tax an American family who wants to save a modest $5,000 or $10,000. We have an interest in them doing so and should not be providing a disincentive by taxing them on the modest interest they would accumulate. This simple provision of $10,000 in tax-free savings, exempting the first $500 in dividends and interest, would make the savings of 30 million Americans tax-free.

Third, every American should be encouraged to participate in the new prosperity, burgeoning industries, new technologies, and growing market. The Federal Government should not be taxing the modest capital gains of people who earn $1,000, $2,000, or a few thousand dollars in the stock market, or from the sale of real estate. We should be encouraging every American to participate by investing, to gather some wealth for their own security, so that in retirement they don't rely solely on the Government, or continue to live paycheck-to-paycheck. Even if this accumulates only modest amounts of money in savings or investment, it is a beginning for a new economic freedom for American families.

Many of these ideas were included in the tax reduction legislation I offered with Senator COVERDELL. I am enormously proud that in Senator ROTH's proposal, and indeed now in a bipartisan tax bill being discussed by Senator BREAUX and Senator KERREY of Nebraska, many of these same elements are included. I am glad Senator COVERDELL and I have made that contribution.

But now the question becomes not simply which elements of Federal taxes are to be reduced but by how much. Therein lies the argument. I believe, as many of my colleagues on both sides of the aisle have come to believe, that this Congress can responsibly afford, while protecting Social Security and Medicare, to enact a $500 billion tax reduction program over the course of the next decade. That would allow an additional $500 billion for discretionary spending, a prescription drug benefit, or other national needs beyond protecting Social Security and Medicare. It is modest. But it would have an appreciable impact on the quality of life of American families, and genuinely give tax relief to middle-income Americans.

Finally, every Senator must come to the judgment about not only the size of this tax relief program, which I believe should be $500 billion but, indeed, where it should be targeted. It is middle-income families who have seen the rates of their taxes rise through the years as they were pushed into higher brackets by the cost of living and our national prosperity. They should be our first priority.

Our principal national economic problem, even in extraordinarily good times, is the collapse of national savings. Reduction in taxes on savings should be a high priority.

But I believe, as many Democrats and Republicans have come to conclude, that most of this tax reduction program should be for people who are paying most of the taxes in America.

In the 1993 bill, this Congress can be very proud that with the earned-income tax credit we reduced the burden and, indeed, gave assistance to lower income Americans. They deserved and needed the help. This tax program should be for people who are paying taxes, bearing the burden, and need the help.

This is an important moment for this Congress. This vote on a tax reduction program will say a lot about our priorities. We will chart a course for another decade.

I believe we can reach across this aisle and find a reasonable compromise that gives genuine tax relief.

I want the people of the State of New Jersey to know that I have committed myself to be part of that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, is the Senator from West Virginia allowed to yield himself a certain amount of time?

The PRESIDING OFFICER. The Senator may seek by unanimous consent for as long as he wishes.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, I ask unanimous consent to proceed for less than 15 minutes.

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

Mr. ROCKEFELLER. I appreciate the courtesy of the Presiding Officer.

PROJECTED SURPLUS

Mr. ROCKEFELLER. Mr. President, I am very anxious to talk to my colleagues. I want to do it as much as I can in these days to come.

As the previous speaker said, with whom I do not agree on policy, this is a momentous, once-in-a-lifetime opportunity.

I have been here for 15 years. I was for 8 years before Governor of West Virginia where we faced things such as 21-percent unemployment, and things which are almost Third World in their statistical significance compared to what most of my colleagues had to deal with.

Being able to look at a tax surplus or a projected surplus of a lot of money over the next number of years is a wonderful opportunity for the people of my State and for the people of my country.

I have to say, though, the approach of the Finance Committee, on which I serve, voting a $792 billion tax cut is antithetical, to my thoughts, as to what is good for the country and good for the economy.

I will start off by simply saying the obvious; that is, as one of the senior Members of the majority side of the Finance Committee said, 5 percent of Americans pay 95 percent of personal income taxes, and therefore the money ought to go back to them. That is an odd way of thinking. That is certainly one way of thinking. It is obviously that Senator's way of thinking. It doesn't square with sort of the sense of fairness, equity, and distribution of equal opportunity in an economic sense as in other senses that I was brought up to believe in.

We have projected—and I underscore the word ''projected''—a surplus of $1 trillion over the next 10 years. The central question is: How do we most responsibly spend this? I think it is a central question of historic importance.

For me there is really only one answer; that is, to pay down the national debt.

It is very hard for me to put into words the feeling of how far we have come since the mid-1980s when we used to have those talks with the Japanese, the structural impediment talks in which they would tell us what they thought we should do and we would tell them what we thought they should do and we never listened to each other. We, in fact, listened to them in 1993, and on our own, in a historic vote, made an enormous beginning, later fueled by the private sector, to balance the budget deficit. I didn't think that would happen when I was in the Senate. But we proceeded to take the action.

I myself was assigned the responsibility of cutting $60 billion out of Medicare, which at that time was a great deal of money, and we proceeded to do that. But never in my wildest dreams did I ever even begin to think of the possibility that we might, in fact, be able to pay down the national debt—the national debt which under the Reagan-Bush administration rose to over $4 trillion. I can't contemplate amounts of that sort. So I couldn't possibly contemplate the results of eliminating amounts of that sort.

But we have a chance to do that. We have the chance to do it by the year 2014 and 2015.

People talk a lot about taxes around here. To me, the greatest tax will come if we pass the Republican tax package, if we ''give'' the so-called ''middle-income worker'' that kind of tax advantage because I think it is false. In my State, where the average income is around $30,500, I think the average mainstream worker would end up losing $500 or $600 a year because interest rates would go up on car payments, on home loans, on education loans, on credit cards, and all of those things. Interest rates would go up because we know from what Greenspan said they would. They would probably go up by about 1 percent.

I think the average people in the State whom I represent would end up paying much more under the Republican tax cut plan than they would if we opted to retire the debt because in that case, I think interest payments would go down, and those same people—having watched in wonderment what is or is not going on in Washington—would benefit from the results of two things: Not only lower interest rates, which would affect them up to where they are fixed, but they would also benefit from an economy.

I try to contemplate this in my mind. Come the year 2010 or 2011 when the world really begins to understand that America is dead tracked on the idea of elimination of the national debt, what would happen to the national economy?

My mind can't even bring that into consideration, except it is filled with scenes of incredible entrepreneurial activities by people who are willing to take risks, people who emerge from the hollows of West Virginia, from the deserts of Nevada, from all kinds of high plains of the Northwest, or the northern middle west, and start doing all kinds of things which they have never dared do before base interest rates were there to do it, where money is available, capital is available, and there is a sense of optimism in America, and what I have seen in the last 8 years becomes almost a memory in terms of the optimism and the incredible success and energy of that kind of new economy.

To me, paying off the national debt does two things:

One, it guarantees the economic future of the people whom I represent, who elect me to represent them; and it guarantees the economic future of the entire country for perhaps a generation or two to come because we will have done something impossible—eliminate the budget deficit, and then eliminate the national debt.

How would the markets respond to that? How would human nature respond to that? I only glory to contemplate what that might mean.

Second, I want to pay down the national debt because I don't want to spend money. I don't want to spend money on a whole lot of new things. I want to make sure that something called Social Security—the money for that—and something called Medicare—the money for that—is there in the meantime, until those programs run out of money in a number of years, as all of that money will be going into those trust funds, building up and guaranteeing the future of Medicare and Social Security. That is a matter not of the energy of the American economy but the depth of the American commitment, the social contract that we made both with respect to Social Security and Medicare, both of which are going to need our attention and which need more funds. They would have the funds under a system wherein one concentrated on paying down the national debt.

In the Finance Committee, I originally was for a tax cut of only $250 billion. I am for that today. That was a different tax cut from anything we are considering. I worry very much about Americans not saving. I like the idea of Government matching any American who put a certain amount of money into a savings account; in other words, to encourage something which we do worse than any other people in the world, and that is to save money, putting money in the bank—not only for one's own future but for the capital markets.

I want to see that. I want to see the marriage penalty tax eliminated so it does not become more expensive to get married, it becomes less expensive to get married. If we put up a bill that had no tax cut at all, I would be tempted. I don't know, in the final analysis, if I would vote for it, but I would be tempted.

I believe in paying off the national debt. I think the consequences of that are enormously exciting. Not contemplating the numerical ''joust'' we play with each other over millions and trillions of dollars, the simple fact is that by the year 2014 or 2015 there would be virtually no national debt remaining—less than 1 percent. That is the single most exciting public policy event I can contemplate since I have served in the Senate. My fear is that Congress is going to figure this out but that Congress is going to figure it out too late, after it has already done the damage.

I regret our failure so far to seize this once-in-a-lifetime opportunity to pay off the national debt. I regret it for my State. My State is the oldest State, so to speak, in terms of population. It has actually surpassed Florida. That would naturally bias me in terms of Social Security and Medicare. If I were from another State, I would feel the same way, I believe.

Social Security has lifted two-thirds of Americans out of poverty. Does one turn one's back on this? People voted for the $792 billion tax cut. But $2 trillion of the surplus already belongs to Social Security. That is not on the table. Of the $1 trillion remaining, that can only happen if we do draconian domestic cuts. I don't mean adding new programs. I mean taking tremendous numbers of billions of dollars in every single area for years and years and taking away from what we are already doing.

I care passionately about veterans' health care as I have watched the veterans' health care system deteriorate in a variety of ways across this country. We are not talking about increasing veterans' health care costs. We are talking about tremendous cuts in those we already have.

Many Members have discussed the fact that a young mind is formed by the time it is 3 years old, the importance of Head Start, the importance of the Older Americans Act, the importance of low-income-housing heating, housing, enterprise zones, law enforcement, the military. All of these receive enormous budget reductions that would sustain themselves over a number of years. Over half a trillion cut from present spending in fiscal year 1999; the same on through fiscal year 2002 and beyond that. CBO doesn't even choose to figure what happens after 5 years. They say they have never done it before so why should they do it now. I think that is an amazing way of thinking. That is what they say.

If we spend $792 billion on a bunch of tax breaks now before we even know that the money is for real and that it will absolutely be there, I cannot in conscience, for the people I represent, believe that Medicare and Social Security will be anything under the great strain of reducing benefits. I cannot bear to have that happen. I don't think anybody should tell you otherwise.

I understand it is very easy to talk about a $792 billion tax cut. It is wonderful to sit in the Finance Committee and have people say we ought to do

this or that about ethanol and this or that regarding helping different people, different groups. Sometimes people voting for the bill got all kinds of things implanted in the bill. That was nice. I am sure they were good things.

How does that compare to the real possibility of setting America virtually free economically, establishing our economic dominance for all time by retiring the national debt? Think how the markets would respond to that. Think how capital overseas would flow into our markets, further enabling us to go out and build an even stronger America, close the digital divide, to give everybody an equal opportunity—not guaranteeing that everybody succeeds but guaranteeing everybody has at least a chance to succeed.

I cannot allow NIH, Head Start, or education programs to take the tremendous reductions from their current level of funding by the Federal Government that would be required under the Republican tax cut. It is phenomenal to me that people have not focused on this consequence of that $792 billion tax cut, a tax cut basically for the rich who already have it, who have already gained by the system, who have already gained through the last 8 years by the stock market increase.

What about the people who are working hard and who would receive a $188 tax increase compared to a $700 or $800 tax increase for people who are very wealthy? I ask my colleagues to think about fairness. I ask my colleagues to think about the consequences of a $792 billion tax cut, and I ask my colleagues above all and finally to think about the absolutely extraordinary power of what would happen in this country if we actually reduced the national deficit to virtually zero—deficit and then debt. We can do both. Therefore, we shouldn't do the Republican tax cut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to proceed as in morning business for 15 minutes.

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

TAXES

Mr. DURBIN. Mr. President, I commend the Senator from West Virginia. His has been a lonely struggle on the Senate Finance Committee in the minority. I know what he has said today on the Senate floor is an expression of his personal commitment and philosophy in the Senate Finance Committee.

It is such an alluring possibility for politicians to vote for tax cuts. Can you think of two more exciting words for politicians to say other than: I'm going to cut your taxes—tax cuts? Yet we know it may not be the most responsible thing to do on behalf of families across America and the state of our economy.

What the Senator from West Virginia has said during the course of his remarks bears repeating. Look to the question of fairness. We have heard statements on the floor from Members of the Senate who have suggested that taxes have gone up on American families.

It is interesting that when looking at facts we find something different. A median-income family of four currently pays less Federal taxes as a percentage of its income than at any time in the last 20 years.

This data comes from the Treasury Department and the Congressional Budget Office. Lower-income families at one-half the median income level face a Federal tax burden which is the lowest in 31 years, according to the Treasury Department. A family of four can make up to as much as $28,000 a year without paying Federal income taxes. For a family of four at twice median income, that would put them in the middle-income category. The average Federal tax rate will be its lowest in over a decade.

That is not to suggest families do not face a tax burden. They do. Many still pay the payroll taxes, some Federal income taxes, and State and local taxes.

The general increase in revenue to the Federal Treasury really is evidence of a strong economy where people are working, making more money, and perhaps doing better in the stock market than they had in previous years.

When we talk about tax fairness, many of us believe if there is to be any tax cut, it should be directed to the people in the lower- and middle-income groups. Those are the first who should be served.

This chart illustrates what I mentioned earlier.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. DURBIN. I will be happy to yield.

Mr. ROCKEFELLER. I have one quick point. People say we ought to have a tax cut and we ought to give it back to the people who earned it. In other words, it is not the Government's money; it is their money.

I think one thing is interesting: How much is it their money as opposed to their children's money and their children's children's money. In other words, when we talk about protecting money for future programs, such as Social Security and Medicare, we are not just talking about those who pay taxes, whether they be rich or poor, but whether or not their children and their children's children are going to have a reasonable shot at life. It is not just that we do not have money because we are living now and others are not, but we have to keep looking toward the future and our responsibility to that future; is that not right?

Mr. DURBIN. The Senator from West Virginia hits the nail on the head. If we were to abandon our commitment to education, for example, in the country, it would be the most shortsighted thing in the world. It may reduce Government spending; yes, it may reduce taxation; but does anyone believe America would be a better country for it? I certainly do not.

When we say to families we can give them a tax break this year, a tax cut this year or we can take the money and reduce the national debt, and by reducing that debt say to their children and their grandchildren, you are going to have less to pay in taxes for interest on the debt we accumulated in our lifetime, that to me is the most popular thing I have found as I have gone around the State of Illinois.

People are saying: Senator, before you start talking about new programs or massive tax breaks primarily for wealthy people, shouldn't you accept your responsibility to bring down this national debt that is over $5 trillion, a national debt that costs us $1 billion a day in interest payments that are paid primarily to foreigners who hold the national debt of the United States in Treasury securities and the like?

That to me is eminently sensible because when that debt comes down, we reduce the need for $1 billion a day in taxes being collected across America for interest and we reduce the Federal demand for money. When the Federal demand for money goes down, the cost of money—that is, the interest rate—comes down. Families benefit twofold: There is less of a burden when it comes to taxes for interest and paying off the national debt and lower interest rates, which means homes are more affordable and small businesses and farmers can at a lower cost borrow money necessary for their businesses. That to me is a sensible approach. In fact, let me go out on a limb and say it is a conservative approach.

The Democratic plan we are putting forward is the fiscally conservative approach to deal with the national debt. I am heartened by the earlier statement of the Republican Senator from Ohio when he agreed with us. He believes, as I do and as Chairman Alan Greenspan of the Federal Reserve Board has said, that our first priority should be the elimination of that debt and keeping our commitment to Social Security and Medicare.

Do not be misled as you hear some of my colleagues say we have $3 trillion in surplus and we ought to be able to at least give a third of it back to the American people. They do not tell you the whole story. Almost $2 trillion, $1.9 trillion of the $3 trillion, is really money that we virtually all agree should be dedicated to Social Security. We do not want to raid the Social Security trust fund. People have that money taken out of their payroll for the purpose of making certain Social Security is there in the future. Those who are counting that as some sort of surplus really are not dealing fairly with the most important social program in America. So take off the table of this $3 trillion surplus $1.9 trillion, leaving you a little over a trillion dollars.

Of that amount, how much are we going to dedicate for some very important things—paying down the debt or

Medicare? The Medicare system, if we do not touch it, by the year 2015, is going to be out of money. We have to decide whether or not we will dedicate a portion of our surplus to Medicare. Do we need to do more for Medicare? Of course, we do. Beyond giving money to retire the debt and Medicare, we have to make some structural changes that may be painful, but they will be ever so much more painful if we do not dedicate a portion of our surplus to Medicare.

Also, we have to look to the basic needs of Government. The Senator from West Virginia has made this point. Every American expects the Federal Government to meet certain responsibilities:

National defense, of course; transportation.

We know what the Interstate Highway System has brought to America and the demands for a more modern transportation system in every State—better highways, mass transit.

Fighting crime: The Federal Government played an important role with 100,000 new cops, and we will continue that.

The whole question of what we are going to do in the area of medical research.

I commend my colleague, the Senator from West Virginia. It is an area near and dear to the hearts of everyone with whom I have spoken that the Federal Government press forward looking for cures for asthma, diabetes, cancer, heart disease, AIDS, and the many things that challenge us and our families.

We expect that Federal commitment and other regulatory responsibilities. When we open that medicine cabinet, we hope, the Food and Drug Administration has done its job, that every prescription drug there is safe and effective and that they have money to do it. The food we eat is still the safest in the world and will continue to be.

If we go down the track that is proposed by the Republicans in their trillion-dollar tax cut, we literally will imperil these programs. It is a fact of life. It will be Pollyanna-ish to suggest we can make a cut of $180 billion a year, as the Republicans have proposed, without having some impact on veterans programs, on Head Start, on transportation, and medical research. That becomes a major part of this discussion.

Let's take a look for a moment, if you will, at what some of the economists have said about the Republican tax bill. Fifty economists, including six Nobel laureates, have said:

> An ever-growing tax cut would drain Government resources just when the aging of the population starts to put substantial stress on Social Security and Medicare.

That, of course, means as we have more and more people reaching retirement age and wanting to live their lives comfortably and independently, Social Security and Medicare absolutely have to be there.

The Republican approach to this, sad to report, not only does not protect the Social Security trust fund; if you will look at this chart, when it gets into the red ink, it means the Republican tax break plan has finally broken through and started using money from the Social Security trust fund. At the year 2005, the Republican tax breaks would raid the Social Security surplus. After all of the speeches they have given about lockboxes and protecting Social Security, they in fact turn to that money and pull it out in 2005, for what? To give tax breaks to the wealthiest among us.

There is a commentator named Kevin Phillips who for years was identified as a Republican. I do not know what his partisan identification is, honestly, but I can tell you what he had to say yesterday on National Public Radio. It is something that every American should hear. He was introduced by Bob Edwards, a familiar voice on National Public Radio, who said:

> The Republican Party last week had its tax reduction proposal passed by the House of Representatives. Commentator Kevin Phillips says it's the most unsound fiscal legislation of the last half century.

I go on to read quotes from Mr. Phillips.

> . . . that's because the cuts are predicated on federal budget surpluses so far out, six, eight or ten years, that it would take an astrologer, not an economist, to predict federal revenues.

He goes on to talk about the fairness of the tax cuts. Kevin Phillips:

> . . . Democrats are certainly correct about the imbalance of benefits by income group. Treasury figures show that the top 1 percent of families, just 1 percent, would get 33 percent of the dollar cuts, the bottom 60 percent of families get a mere 7 percent.

So if you are in the category of a Donald Trump or a Bill Gates, or someone else, this is worth a lot of money. The Republican tax break plan literally could mean $10-, $20-, or $30,000 a year. But if you are a working family, struggling to make ends meet, putting some money together for your kid's college education or your own retirement, it turns out to be in the neighborhood of $20 or $30 a year. That, unfortunately, says a lot about what the Republican proposal would mean to the average family. To endanger our economic expansion, to possibly raise interest rates on home mortgages, business loans and farmers' loans, and to provide tax breaks which are amusing, at best, for average working families, that does not sound like a very sound deal.

The Senator from West Virginia made the point, and effectively. We should be dedicating these funds to retiring this national debt. It is still hard to believe that only 2 years ago we were talking about amending the Constitution for a balanced budget amendment because we were so hopelessly ensnared by deficits—it was the only way out. Now we are talking about giving money away at such a fast pace that we can endanger the economic recovery we have seen in the United States.

Let me read Kevin Phillips' conclusion in his remarks on National Public Radio's ''Morning Edition'' on Monday, July 26:

> We can fairly call the House legislation the most outrageous tax package in the last 50 years. It's worse than the 1981 excesses, you have to go back to 1948, when the Republican 80th Congress sent a kindred bill to President Harry Truman. Truman vetoed it, calling the Republicans bloodsuckers, with offices on Wall Street.

Not my words—Kevin Phillips'.

> Not only did [Truman] win reelection, but the Democrats recaptured Congress.

I think that puts it in a perspective that we should all be willing to acknowledge. If we are going to deal responsibly with tax cuts for working families, we have to do it in a way that does not tip the scales too heavily on the side of the wealthiest in America.

This is a good illustration: For the top 1 percent of wage earners in America, under the Republican tax break plan, a $22,964 average payment; for the bottom 60 percent, families making less than $38,200 a year—hold on to your hats, America—the Republican tax break plan gives you $139. That is a little over $10 a month. But look what Bill Gates and other folks are coming out with. It is the same old story.

Take a look at when the Republican tax break plan starts to bite. If you are in the baby boom generation, thinking about an idyllic retirement someday, right about the time you start to retire, the Republican tax breaks explode.

What does it mean? It means that, frankly, there will be less money around for the basics of life that we expect from the Federal Government. It is hard to imagine that we are in a position, as we are today with this economic expansion, of jeopardizing it with this kind of a tax break plan. I think it is far better for us to take an approach which the President and the Democrats support—I am beginning to believe some Republicans support—which suggests that our priorities should include Medicare, Social Security, and paying down the national debt.

The Republican approach literally provides no money, no money whatsoever, for us to take care of our Medicare obligation. I think it is just disingenuous for the Republicans to argue that they are only spending 25 percent of the surplus because we know that the unified surplus is, in fact, including the $1.9 trillion in Social Security trust funds. They talk a lot about lockboxes and protecting Social Security, and yet when it comes right down to it, when you look at the money available outside of Social Security, the actual surplus that we hope to imagine, 97 percent of it goes to the Republican tax cut and little or no money for Medicare and other national priorities.

This debate this week is critically important for all American families to

sustain the economic expansion which we have seen for the last 7 years.

I yield back the remainder of my time.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I ask unanimous consent that I be allowed to speak for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT addressed the Chair.

Mr. ROCKEFELLER. I yield to the majority leader.

Mr. LOTT. I thank the Senator for yielding.

We are working on a unanimous consent request that we might want to try to get cleared in the next 6 or 7 minutes. So if that should occur, I would ask the Senator to yield me time to do that. But we would do it in such a way where his remarks would not be interrupted.

I thank the Senator for yielding to me.

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

Mr. ROCKEFELLER. I thank the majority leader for his courtesy.

VETERANS HEALTH CARE

Mr. ROCKEFELLER. Mr. President, I had not expected to talk this afternoon. But I am here. The Senator from West Virginia is here. I am the ranking Democrat on the Veterans' Committee. I am overwhelmed with the sense of urgency, and almost despair, about the condition of health care for veterans in our country.

Because of caps, the veterans health care budget, which is really the most important part of the veterans operation—benefits are important but what they really care about is, is health care going to be there if they need it?—has been flat-lined for the next 5 years. By flat-lined, I mean there is no increase. Even though there are more expenses, there is more requirement for their services, there is no more money.

The Veterans' Administration is the largest health care system in the country. The only difference from any other health care system is that it is entirely a Government health care system. Therefore, the Government determines what it can spend and what it cannot spend. Unlike the private health care systems, it cannot spend a dime over what it is appropriated. So the Balanced Budget Act of 1997, which capped all discretionary programs—which said they could not increase—obviously, therefore, included the veterans health care budget.

I cannot tell you the damage that is being done to our veterans across this country. We talk about veterans, and we talk about them in very florid terms because they deserve that. Those who use the veterans hospitals, who have been in combat, who have sacrificed for their country—America kind of entered into a compact and said that these people will be treated with a special respect, special honor, and special care, and that they will get the health care they need under all conditions and at any time.

The Republican tax cut, along with any other that might be suggested, including the one that is being talked about at $500 billion, would make a mockery of that commitment to the American veteran. I want people to understand that very clearly.

I will talk specifically about some particular types of needs, such as spinal cord injuries, injuries resulting in blindness or amputations, posttraumatic stress disorder. Beginning in October of last year, I asked my committee staff to undertake an oversight project to determine if the Veterans' Administration is, in fact, maintaining their ability to care for veterans with these kinds of special needs.

PTSD, posttraumatic stress disorder, we always associated with the Vietnam war. We have discovered it is not just that war; it is the gulf war, it is the Korean war, it is the Second World War, and it even goes back to the First World War. It is an enormous problem and a special need.

This oversight project, which I asked my staff to do, reviewed 57 specialized programs housed in 22 places around the country.

I say at the outset that the VA specialized services are staffed with incredibly dedicated workers, people who could be working for higher pay in private situations, private hospitals. They are trying to do more, and they are trying to do it with increasingly less. They are often frustrated in their desire to provide the high-quality services that they went to the Veterans' Administration to provide in the first place. I salute them.

I will mention three of the findings in this oversight effort, and then that is all I will do.

First, the Veterans' Administration is not maintaining capacity in a number of specialized programs and is barely maintaining capacity in a number of others. Despite resource money shortfalls, field personnel have been able—but just barely—to maintain the level of services in Veterans' Administration prosthetics, blind rehabilitation, and spinal cord injury programs.

Staffing and funding reductions have been replete. The VA's mental health programs are no longer strong. For example, my staff found that veterans are waiting an average of 5 and a half months to enter posttraumatic stress disorder programs. This is completely unacceptable for a veteran.

Secondly, the VA is not providing the same level of services in all of its facilities. There is wide variation. Staff found this variation from site to site in capacity in how services are provided. The availability of services to veterans seems to depend on where they reside, not what they have done but where they reside. In my view, all veterans are entitled to the same quality of service regardless of whether they live in West Chester County or in Berkeley, WV. It should make no difference. They all have suffered the rigors of combat. They have all earned it. We promised it to them. We are not delivering it to them.

Third, and finally, competing pressures on Veterans' Administration managers make it virtually impossible for them to maintain their specialized medical program. Hospital administrators particularly are being buffeted by competing demands because from central headquarters comes the lack of money, from the veterans comes the demand for services, which used to be there and which now aren't, and they are, therefore, caught in the middle. In many cases, they are suffering across-the-board cuts and have been for a number of years.

I can tell Senators that under neither Democratic nor Republican administrations has the veterans' health care program been adequately funded and funded up to the cost-of-living increase and the so-called inflationary aspect, which reflects what actually true health care represents. We are robbing Peter to pay Paul in many of our veterans' hospitals and to maintain other services on which a higher priority is placed.

Mental health services, I come back to it. Why is it in this country that we will not put down mental health as a disease? Why is it we do not consider it as a medical condition? Why is it that we put it off in the category of human behavior as opposed to something that has a cause in something, such as posttraumatic stress disorder. For veterans, to blindside mental health, to push mental health to the side is beyond comprehension and beyond humanity.

In summary, it is imperative that we all understand what the budget crunch has meant to each VA health service. I say all of this because, again, of the $792 billion tax cut. If that takes place, everything I have talked about not only continues to be true but grows somewhere between 15 and 30 percent worse, not if we are to increase programs, but taking already that we are funding below where programs ought to be, where we have shortchanged veterans' health care services for years, and now we are going to cut billions and billions of more dollars out of that over these next years. That is absolutely intolerable.

I ask unanimous consent to print a copy of the summary of the committee minority staff report in the RECORD at this point.

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

MINORITY STAFF REVIEW OF VA PROGRAMS FOR VETERANS WITH SPECIAL NEEDS

BACKGROUND

From its inception, the Department of Veterans Affairs (VA) health care system has

been challenged to meet the special needs of its veteran-patients with combat wounds, such as spinal cord injuries, blindness, and post-traumatic stress disorder. Over the years, VA has developed widely recognized expertise in providing specialized services to meet these needs.

In recent years, VA's specialized programs have come under stress due to budget cuts, reorganizational changes, and the introduction of a new resource allocation system. In addition, passage of Public Law 104–262, the Veterans' Health Care Eligibility Reform Act of 1996, brought significant changes in the way VA provides health care services.

In passing eligibility reform, Congress recognized the need to include protections for the specialized service programs. As a result, Public Law 104–262 carried specific provisions that the Secretary of VA must maintain the ''capacity'' to provide for the specialized treatment needs of disabled veterans in existence at the time the bill was passed (October 1996), including ''reasonable access'' to such services.

VA has been required to report annually to Congress on the status of its efforts to maintain capacity, with its most recent report published in May 1998. In that report, VA stated that ''by and large, the capacity of the special programs . . . has been maintained nationally.'' However, others have been more critical, including the General Accounting Office, which found that ''much more information and analyses are needed to support VA's conclusion,'' and the VA Federal Advisory Committee on Prosthetics and Special Disability Programs, who called VA's ''flawed'' and consequently refused to endorse VA's report.

MINORITY STAFF PROJECT

Beginning in October 1998, at the direction of Ranking Member John D. Rockefeller IV, Senate Committee on Veterans' Affairs minority staff undertook an oversight project to determine how well VA is complying with Public Law 104–262's mandate to maintain capacity in the VA's specialized programs. After first meeting with VA Headquarters officials in charge. of the various specialized projects, as well as representatives of the veterans service organizations, we designed a questionnaire and interview protocol for each of the five service programs we selected to study.

Our starting place was defining ''capacity,'' since the law did not do so. After extensive consultation with experts in the field, we chose to focus on the following six factors: (1) number of unique veterans treated; (2) funding; (3) the number of beds (if applicable); (4) the number of staff; (5) access to care, in terms of waiting times and geographical accesssibility; and (6) patient satisfaction. Capacity was rated by comparing data from FY 1997 to FY 1998 to determine whether the program has or has not maintained the same level of effort in each of these areas.

In order to maximize efficiency, we primarily visited sites that included more than one specialized program; most were within reasonable geographical distance of Washington, DC. The sites selected are not a random or representative sample. Nevertheless, we believe the information gathered is significant because we believe capacity should be maintained uniformly throughout the system. There should be no gap in services, regardless of where in the country a veteran goes for treatment.

We reviewed 22 facilities, with a total of 57 specialized services programs: Prosthetics and Sensory aid Services (16 sites); Blind Rehabilitation (3 sites); Spinal Cord Injury (8 sites); PTSD (14 sites); and Substance Use disorders (16 sites).

DATA COLLECTION AND VALIDITY

Data collection and validity is a known area of VA weakness, confirmed by our own observations in this study. Despite the fact that we provided program managers ample time to fulfill our data requests, many lacked the basic, everyday data that should have been easily accessible to them. In many cases, the data provided to us by VA were revised upon our discovery of inherent discrepancies or our questioning of the methodology used. Nevertheless, because it would have been beyond the scope of our resources to conduct a full-scale audit, we relied on the unvalidated data provided to us by VA as the basis for this report.

FINDINGS AND CONCLUSIONS

In general, we found that VA specialized programs are staffed with incredibly dedicated workers, trying hard to do more with less, but often frustrated in their desire to provide high quality services. One of the most consistent complaints we heard about were staffing shortages, which left employees feeling they were working ''close to the edge.'' When staffing is cut to the minimum, programs quickly become vulnerable to disruptions and service delays, and staff suffer from overwork, poor morale, burnout, and/or reduced motivation and quality of performance as a result.

In summary, we reached the following conclusions:

I. VA is not maintaining capacity in a number of specialized programs, and is barely maintaining capacity in the others. We found that despite resource shortfalls, VA field personnel have been able—just barely—to maintain the level of services in the Prosthetics, Blind Rehabilitation, and SCI specialized service programs, but have not maintained capacity in the PTSD and Substance Use Disorder programs. Because of staff and funding reductions, and the resulting increases in workloads and excessive waiting times, the latter two programs are failing to sustain service levels in accordance with the mandates in law.

II. VA is not providing the same level of services in all facilities. In the specialized programs we visited, there was wide variation from site to site in capacity and provision of services. It appears that the relative availability of services to veterans depends on where they reside. However, we believe *all* veterans are entitled to the *same level and quality of service,* regardless of where they live in the country.

III. A gross lack of data, as well as lack of validation of the available data, prevents VA from making verifiable assessments as to whether capacity in its specialized services programs is being maintained. In almost every program we visited, it was difficult to obtain the information we requested, despite the fact that programs were given ample time to complete the data sheets we provided. Frequently, we were told data had been lost, was irretrievable, or was not compiled in a useful format. There were often inherent discrepancies in the data we were initially presented that took a great deal of discussion to resolve. Without solid, readily available data, VA cannot itself ascertain whether it is meeting its own capacity standards. In fact, this problem with data reconciliation is one reason why VA is late in producing this year's capacity report.

IV. VA's shift from inpatient to expanded outpatient treatment has improved access and saved money. At the same time, certain programs, which require a mix of in- and outpatient services, have been weakened. We are concerned that patient outcomes may have suffered in the process. VA is struggling to find the right mix of inpatient and outpatient services. Expanded outpatient services often improve geographical access for veterans and are a good way to stretch limited resources. However, we believe VA may be moving too quickly to close certain inpatient programs, such as PTSD and Substance Use Disorders. This trend is controversial among many clinicians, who are concerned about the appropriateness and effectiveness of outpatient services for many in this patient population. We believe much more research is needed in this area.

V. VA's specialized services suffer from a lack of centralized oversight. As with all VA's health care services, decentralization has resulted in a lack of effective oversight. Headquarters issues directives, but for the most part, there is little followup to monitor how well these directives are being carried out. In addition, once money is allocated to the VISNs, there is little or no monitoring of how this money is being spent. As a result, we found that VA is not in a position to say with any certitude whether or not specialized services are being adequately maintained.

The lack of centralized oversight is particularly critical in the PTSD and Substance Use Disorder programs. VA Headquarters program consultants, by and large, are not consulted when inpatient programs in the facilities are closed or altered in size or format. We believe their expertise should be sought before any decisions are made to change established programs.

VI. Competing pressures on VISN directors make it virtually impossible for them to maintain capacity in their specialized service programs. VISN directors, particularly those most affected by funding reductions resulting from VERA, are being buffeted by competing demands for the declining resources allocated to them. In many cases, they are suffering across-the-board cuts, or may be having to ''rob Peter to pay Paul'' to maintain other programs on which they place a higher priority. With the lack of centralized oversight, VA has little ability to ensure that VISN directors are spending their money for specialized services as directed.

Mr. ROCKEFELLER. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, might I inquire, are we presently in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. LOTT. Mr. President, if I could be recognized, we hope to momentarily get an agreement with regard to proceeding with the Interior appropriations bill. We are waiting to hear from the Democratic leader before we enter this agreement. I think we have it worked out. I certainly hope so. If the Senator wishes to proceed as in morning business, I hope he will yield once we get the agreement all squared away.

Mr. DORGAN. Mr. President, of course, I will yield, if the majority leader requests. I had wanted to make some comments about the trade deficit

that was announced late last week and show a few charts. I ask unanimous consent to proceed for 10 minutes.

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

FISCAL POLICY AND THE TRADE DEFICIT

Mr. DORGAN. Mr. President, I will come to the floor and comment generously about this fiscal policy issue of $792 billion of tax cuts over the next 10 years. We don't have surpluses yet. We have economists who tell us we will have surpluses and when these surpluses will exist over the coming 10 years. We have an appetite for trying to figure out what we want to do with all these surpluses that have not yet materialized.

Economists at the start of this decade in the early 1990s predicted almost universally that we would have a decade of slow, anemic economic growth and continued trouble. Going back 8 years, we had a $290 billion fiscal policy deficit. The Dow Jones industrial average had not yet reached 3,000, or it had barely reached 3,000. We had sluggish growth. In 1999, the budget deficit is largely gone. The Dow is somewhere close to 11,000. We have robust economic growth and economists predicting wonderful economic news as far as the eye can see. These are economists—who can't remember their telephone numbers or their home addresses—predicting what will happen, 3, 5, and 10 years in the future.

The result is people seize on these surpluses and say: Let's give three-quarters of $1 trillion in tax cuts, nearly one-third of which will go to the top 1 percent of the income earners in this country. I will have a lot more to say about that in the debate which will ensue during this week. My colleague, Senator DURBIN, just read Kevin Phillips' comments that were on NPR yesterday morning. I think they were right on point. I hope we can spend some time discussing those as well.

I want to talk about another deficit, one that both parties have been largely ignoring. It is called the trade deficit.

I have here a Washington Post article that appeared last Wednesday, July 21, ''U.S. Trade Deficit Hit Record High in May.'' This was written by Paul Blustein. Paul is the Washington Post reporter who writes their trade stories. Any time you see a trade story, it will be by Paul Blustein. He will talk to the same three or four people. They will comment in each article, and month after month the trade deficit worsens.

We have a very serious problem. We tackled the budget deficit, and wrestled it to the ground. Now, we largely don't have a fiscal policy budget deficit. It is gone. That was tough, hard work. But the trade deficit is growing and at an alarming rate.

It is interesting that this story in the Washington Post actually says that we have a trade deficit that is a record deficit, ''thanks to America's unflagging appetite for foreign goods.'' The Post, in this story, finds all of this both ''heartening'' and ''worrisome'' for the U.S. economy.

Heartening because so many Americans are feeling so prosperous that they are buying an ever-rising amount of imports.

I am more struck by the ''worrisome'' aspects of this trade deficit. One of those was highlighted by the Post article, with the Japanese deciding that their central bank should intervene with respect to the value of the yen against the dollar—to manipulate the value of the yen in order to influence continued exports to the United States.

What is happening to the trade deficit? This chart shows record trade deficits month after month. It means we are buying more from abroad than we are selling abroad. It means we are running a current accounts deficit that will some day be repaid by a lower standard of living in the United States.

There is a lot of disagreement among economists but none about that. A trade deficit must at some point be repaid in the future by a lower standard of living in the country that experiences the trade deficit.

Here is a chart that shows the growing U.S. trade gap, exports and imports. You will see what is happening to the U.S. exports on this softening bottom line. And you will see what is happening to the level of U.S. imports and the massive red ink that represents indebtedness that burdens this country. Should we worry about this indebtedness? The answer is, yes, of course. Should we do something about it? Absolutely, and sooner rather than later. There is now in law a commission called the Trade Deficit Review Commission. This is a piece of legislation that I authored and was cosponsored by Senators BYRD, STEVENS, and others. This Commission has been impaneled and is now beginning its work. But we have a responsibility as a country to respond to this trade deficit and to do so aggressively.

Another chart shows the deficit with respect to specific countries. Japan: We have had a trade deficit with Japan forever, it seems. This trade deficit is robust and growing, and continues to grow to record levels.

It used to be that economists would say that we have trade deficits because we have been running budget deficits. When you run budget deficits, you are going to run trade deficits. The budget deficits are gone. Why is the trade deficit worsening? Yes, with Japan, with Canada, and it is worsening with Mexico.

We used to have a trade surplus with Mexico. We were able to turn that into a deficit very quickly because we negotiated a trade agreement with Mexico that was incompetent. We have incompetent negotiations by bad negotiators that resulted in bad trade agreements and higher deficits with respect to Mexico. We turned a surplus into a deficit.

China: What is happening with China is a very substantial runup of the trade deficit in just a matter of about 8 to 10 years.

What do we do about all this? I am concerned, obviously, about not only the general trade deficit, which weakens our manufacturing sector, but also with respect to the economic stars in our country, the family farmers. Agricultural trade balances have worsened. Our agricultural trade balance with Europe declined sharply between 1990 and 1998. In Asia and Europe, our agricultural trade balance has changed in a manner that is detrimental to family farming.

Going back to the issue I mentioned on the previous chart of our individual bilateral trade relations with China, Mexico, Canada, and Japan, you will see that we are continuing to run trade deficits that are alarmingly high. Yet no one wants to talk about it, and certainly no one wants to do anything about it. The minute someone says let's take some action, someone else will say: You are proposing a trade war. What on earth can you be thinking about?

This country had better think about itself for a few minutes. It ought to turn inward and ask: What does this red ink mean to the U.S. and its future?

Even Mr. Greenspan, who is prone to understatement, indicated that this cannot be sustained for any lengthy period of time. This country must worry about its bilateral trade relationships with the countries I just described. It also must worry about its general trade strategy, which results in huge trade deficits and in the kind of trade relationships, which I think will make this country's citizens increasingly angry and anxious.

Incidentally, these trade deficits are much higher than the Washington Post reports. The trade deficit in the Post represents the combination of goods and services. If you look at trade deficits in goods, it is much higher than this. That relates to the question of what is happening to the American manufacturers.

Let me talk about farmers specifically for a moment. Our family farmers around the country are suffering through a very serious crisis. The bulk of that is because prices have collapsed on the grain market, even though the stock market is reaching record highs. The grain market has collapsed, and farmers are told their food has no value.

Another serious part is that, even though we produce more than we need and we need to find a foreign home for our grain, we discover that grain floods across our borders and livestock floods across our border, especially from Canada and other parts of the world, undercutting our farmers' interests. Why? Because we had incompetent negotiators negotiating incompetent trade agreements. They have resulted in increasing trade deficits in this country.

The story behind the headlines is the injury that is caused to family farmers, to the manufacturing sector, to that part of America's economy that has produced the strength of this country today. That strength will not long exist if we don't do something about the trade deficit. Those who talk about tax cuts for 10 years, anticipating future economic growth and future economic surpluses, will not see those develop and will not experience that growth unless we do something about this exploding trade deficit. You cannot sustain long-term economic growth when you run a $21.3 billion deficit in one month. It wasn't more than a couple decades ago that we ran a trade deficit of a couple billion dollars in a quarter of the year. Wilbur Mills, who used to be chairman of the Ways and Means Committee, called special meetings to talk about emergency tariffs to be put on goods to reduce the debilitating trade deficits. Now they are $21 billion a month and growing in a very significant way.

We need the Administration and the Congress to understand that the underlying trade negotiations and trade agreements we have had with a number of countries, including NAFTA and GATT, have undercut this country's interests. They do not work. They sell out the interests of family farmers in this country. They injure our manufacturing sector. I am not suggesting putting up walls and retreating. I want our producers to be required to respond to competition. But our producers cannot and should not be expected to respond to competition when our producers have one hand tied behind their backs by unfair trade agreements.

Finally, I want to talk for a moment about what happened last December with the U.S. Trade Ambassador announcing a deal with respect to the Canadian trade issue. They have all kinds of agreements that, as I said, weren't worth much. We just allowed them to put a bunch of points down on a piece of paper. I reviewed that deal, and nothing much has happened. In fact, our trade situation with Canada grows worse. Our agricultural economy grows worse. Prices have continued to collapse. Family farmers continue to be injured and, at the same time, we have durum and spring wheat, cattle and hogs flooding across the border, most unfairly traded and most in violation of the basic tenets of reciprocal trade. Yet, nothing happens. Nobody lifts a finger to say let us stand up on behalf of your interests and take the actions you would expect the Federal Government to take to insist on fair trade.

IN MEMORY OF JUDGE FRANK M. JOHNSON, JR.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 165, in memory of Senior Judge Frank M. Johnson, Jr. of the United States Court of Appeals for the Eleventh Circuit, submitted earlier by Senators HATCH, LEAHY, and others.

The PRESIDING OFFICER (Mr. GREGG). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 165) in memory of Senior Judge Frank M. Johnson, Jr., of the United States Court of Appeals for the Eleventh Circuit.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, late last week, Senior Judge Frank M. Johnson, Jr. of the Eleventh Circuit Court of Appeals passed away at his home in Montgomery, Alabama. Judge Johnson will be remembered for his courageous stands in some of the most difficult struggles of the Civil Rights era. At a time when men of lesser fortitude would have avoided direct confrontation on the highly unpopular issues of school desegregation and voting rights for African-Americans, Judge Johnson stood firm on his convictions and the law.

Soon after his appointment to the district court by President Eisenhower in 1955, Johnson took the courageous step of striking down the Montgomery law that had mandated that Rosa Parks sit in the back of a city bus. He believed that ''separate, but equal'' was inherently unequal. Judge Johnson upheld the constitutionality of federal laws granting African-Americans the right to vote in Alabama elections. He believed in the concept of ''one man, one vote.''

Despite tremendous pressure from Governor George Wallace, Judge Johnson allowed the voting rights march from Selma to Montgomery to proceed despite threats of continued civil unrest and violence. The national fervor that followed the march resulted in the enactment of the Voting Rights Act of 1965.

Today, around a courthouse that bears Frank Johnson's name in Montgomery, there are integrated schools, buses, and lunch counters. Truly representative democracy flourishes in Alabama with African-American state, county, and municipal officials who won their offices in fair elections with the votes of African-American and white citizens. In large part because of Judge Johnson, attitudes that were once intolerant and extreme have dissipated, but the example he set has not.

The members of the Judiciary Committee extend our deepest sympathies to Judge Johnson's family and the host of friends that he had across the country. We will always remember this federal judge for exemplifying unwavering moral courage in the advancement of the wholly American ideal that ''all men are created equal'' and deserve ''equal protection of the laws.''

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 165) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 165

Whereas Frank M. Johnson, Jr. was appointed a United States District Judge in Alabama by President Eisenhower in 1955;

Whereas Judge Johnson was elevated to the United States Court of Appeals for the Eleventh Circuit by President Carter in 1979;

Whereas in a time when men of lesser fortitude would have avoided direct confrontation on the highly unpopular issues of school desegregation and voting rights for African-Americans, Judge Johnson stood firm in upholding the constitution and the law;

Whereas Judge Johnson struck down the Montgomery, Alabama law that had mandated that Rosa Parks sit in the back of a city bus, because he believed that ''separate, but equal'' was inherently unequal;

Whereas Judge Johnson upheld the constitutionality of federal laws granting African-Americans the right to vote in Alabama elections, because he believed in the concept of ''one man, one vote'';

Whereas despite tremendous pressure from Governor George Wallace, Judge Johnson allowed the voting rights march from Selma to Montgomery to proceed, thus stirring the national conscience to enact the Voting Rights Act of 1965;

Whereas today, around a courthouse that bears Frank Johnson's name in Montgomery, Alabama there are integrated schools, buses, and lunch counters, and representative democracy flourishes in Alabama with African-American state, county, and municipal officials who won their offices in fair elections with the votes of African-American and white citizens;

Whereas in part because of Judge Johnson's upholding of the law, attitudes that were once intolerant and extreme have dissipated,

Whereas the members of the Senate extend our deepest sympathies to Judge Johnson's family and the host of friends that he had across the country;

Whereas Judge Johnson passed away at his home in Montgomery, Alabama on July 23, 1999;

Whereas the American people will always remember Judge Frank M. Johnson, Jr. for exemplifying unwavering moral courage in the advancement of the wholly American ideal that ''all men are created equal'' and deserve ''equal protection of the laws'' and for upholding the law: Now, therefore, be it

Resolved by the Senate, That—

(1) The Senate hereby honors the memory of Judge Frank M. Johnson, Jr. for his exemplary service to his country and for his outstanding example of moral courage; and

(2) when the Senate adjourns on this date it shall do so out of respect to the memory of Judge Frank M. Johnson, Jr.

UNANIMOUS CONSENT REQUEST

Mr. LOTT. Mr. President, I believe we are about ready to make the unanimous consent agreement to proceed with the Interior appropriations bill. We had one further modification. I believe it is being cleared on both sides.

I expect there will be no problem, and hopefully we can go forward with that.

In that connection, I urge Senators to come to the floor if they have amendments to this Interior appropriations bill so we can make progress and not spend too much time on opening statements or in quorum calls. I am not encouraging amendments. But if a Senator has an amendment that he or she is very serious about, they should come onto the floor and offer it. If that is not done, we will have a vote before too long. So Members should understand that we will have the Interior appropriations bill available and that we are serious about going forward with it. We hope to make good progress on it tonight. Actually, I would like to see us complete the bill in view of the modifications that have already occurred concerning some of the provisions within this Interior appropriations bill.

It is a very important bill for our country. It involves, obviously, the parks and lands all over our country that are very important to people of all persuasions, as well as funding for various commissions.

I hope that it can be considered quickly. I commend in advance Senator SLADE GORTON for the work he has done on this bill, and his ranking Member, Senator BYRD, and Senator REID, who I know has been very interested in this bill and supports it.

When you have Senator GORTON and Senator BYRD prepared to work on an appropriations bill, I suspect that most of its problems have already been resolved, and the Senate should be able to act very quickly on that legislation.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. LOTT. I am glad to yield to Senator DORGAN.

Mr. DORGAN. I inquire of the majority leader about the schedule. My understanding is that he is intending to bring the Interior appropriations bill to the floor. I wonder if the majority leader might tell us about the plans he has with respect to the reconciliation bill. Would that be the bill that follows the Interior appropriations bill?

Mr. LOTT. Yes. The reconciliation bill, which provides for the tax relief package, would be next after the Interior appropriations bill. We would like to go to that tonight and begin opening statements. But regardless of what happens with Interior, we will be on the reconciliation bill by 10:30 or quarter to 11 tomorrow morning.

We have to have some time in the morning for statements with regard to the juvenile justice bill, which is going to conference. But that should be completed about 10:30 or 10:45.

Mr. DORGAN. Because of the time limitations on the reconciliation bill, is it the intention, I am curious, of the majority leader that that would consume all of the time tomorrow and Thursday?

Mr. LOTT. That would be our intention. Of course, under the rules dealing with reconciliation, you have 20 hours for debate on the tax relief package. Included in that 20 hours would be debate on amendments, although the vote time on amendments would not count against the 20 hours. So it would be our intention to go through the day and into the night on Wednesday and all day Thursday on this subject and into the night. If we finish the bill Thursday night, then it would be our plan at this time for that to be the conclusion for the week.

I hope we would have already done the Interior appropriations bill. If we can't get it done because of problems that develop Thursday or, as you know, if amendments are still pending when all time has expired, we go through this very unseemly process on voting during what we call a ''votarama,'' with one vote after another and only a minute or two between the votes to explain what is in them.

I hope we won't have that problem this time. But if we can't get it done Thursday night, of course, we would have to go over into Friday. But under the rules, we should be able to finish it not later than Friday and, hopefully, even Thursday night.

We had indicated earlier a desire to go to the Agriculture appropriations bill early next week and, hopefully, complete the Agriculture appropriations bill. We then have the option to go back to the reconciliation conference report.

Mr. DORGAN. I will just observe, if I might, that one way to avoid a lot of recorded votes is to accept a lot of amendments.

Mr. LOTT. If the pattern continues on that bill as it has on other bills, I think that probably will happen. As I recall, last Thursday night at about 8 o'clock around 43 amendments were accepted en bloc on the State-Justice-Commerce appropriations bill.

It is a little tougher when you are talking about tax policy. But I am sure that some probably will be accepted to move forward.

Mr. President, I ask unanimous consent that the Senate now turn to the House Interior bill, and, immediately following the reporting by the clerk, Senator GORTON be recognized to offer the text of the Senate reported bill, as modified, to strike on page 116, lines 3 through 7; page 129, line 14, through page 132, line 20, as an amendment to the House bill.

I further ask unanimous consent that the amendment be agreed to, the bill, as thus amended, be considered original text for the purpose of further amendment, and that any legislative provision added thereby be subject nevertheless to a point of order under rule XVI.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, we just heard that Senator BYRD wanted to come to the floor for a couple of seconds. If you would withhold the unanimous consent request until that time, we would greatly appreciate it.

Mr. LOTT. Is there some other issue that Senator BOXER wished to address?

Mrs. BOXER. My issue is taken care of. I am very happy to say that the oil royalties will be stricken from this particular bill. I am very pleased about that. I don't know about the other Senators, but, for me, I have no issue and no problem with the unanimous consent request.

Mr. LOTT. I had been notified that the Senator from California wanted to be on the floor when this unanimous consent request was made.

Mrs. BOXER. I, in fact, read it, and the whole thing is fine with me.

Mr. DURBIN. Mr. President, reserving the right to object, if I might inquire of the majority leader, while we are awaiting the arrival of Senator BYRD, perhaps the Senator from Washington, the chairman of the subcommittee, could respond to some questions about the unanimous consent request.

First, it is my understanding that the unanimous consent request does not waive any rule XVI objections.

Mr. GORTON. The Senator is correct. It does not.

Mr. DURBIN. Am I also correct that the four sections being stricken by the unanimous consent request are sections 328, relevant to the introduction of Grizzly bears into the States of Idaho and Montana, as well as section 340, relative to hard rock mineral mining in the Mark Twain National Forest in Missouri; section 341, another environmental rider relative to energy efficiency; and, finally, section 342, the one referred to by the Senator from California, the environmental rider on crude oil and royalty for purposes of the evaluation question?

Mr. GORTON. The Senator from Illinois is correct on all four.

Mr. DURBIN. Out of the 13 objectionable environmental riders, 4 objectionable by the administration, 4 are being stricken by this unanimous consent request, and all others are in the bill for consideration and subject to rule XVI, or any other appropriate motions.

Mr. GORTON. Or any amendment which may be proposed.

Mr. DURBIN. I thank the Senator from Washington.

Mr. LOTT. Mr. President, if I could inquire of the Senator, is the Senator saying that the administration supports the introduction of Grizzly bears into Idaho and the other State?

Mr. DURBIN. I think the administration's concern is that they allow for the first time Governors of these States to dictate the policy on Federal lands.

Mr. LOTT. That sounds like a good idea.

Mr. DURBIN. It depends on your point of view.

At this point, I withdraw any objection to the unanimous consent request.

Mr. LOTT. Mr. President, are we waiting on Senator BYRD's arrival?

Mrs. BOXER. It is my understanding, I say to my leader, that he is, in fact,

on his way over, and he needs just a couple of minutes. If the leader will, I ask him to delay the unanimous consent request.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. GORTON. Mr. President, I withdraw the formal text of the unanimous consent request by the majority leader, and I will reread it so it is grammatically correct.

I ask consent that the Senate turn to the House Interior bill and, immediately following the reporting by the clerk, Senator GORTON be recognized to offer the text of the Senate-reported bill, as modified, to strike page 116, lines 3 through 7; page 129, line 18 through page 132, line 20, as an amendment to the House bill. I further ask consent that the amendment be agreed to and the bill as thus amended be considered original text for the purpose of further amendment and that any legislative provision added thereby may nonetheless be subject to a point of order under rule XVI.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. The clerk will report the bill by Title.

The legislative assistant read as follows:

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

The Senate proceeded to consider the bill.

AMENDMENT NO. 1357

(Purpose: In the nature of a substitute)

Mr. GORTON. Mr. President, pursuant to the unanimous consent agreement, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 1357.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. GORTON. Mr. President, I am pleased to bring before the Senate the Interior and Related Agencies Appropriations Act for Fiscal Year 2000. The bill totals $13.924 billion in discretionary budget authority, an amount that is $1.125 billion below the President's budget request and $19 million below the fiscal year 1999 enacted level. The bill fully complies with the spending limits established in the Balanced Budget Act of 1997, and the amount provided is right at the subcommittee's 302(b) allocation.

As is always the case, putting this bill together has been a tremendous challenge. While I am extremely grateful that Senator STEVENS, in consultation with Senator BYRD, was able to provide the subcommittee with an increase over its original 302(b) allocation, the amount contained in this bill is still slightly below the fiscal year 1999 enacted level. I wish to point out to my colleagues, however, that this does not mean that delivery of programs can be continued at the current level simply by holding appropriations even with last year.

The programs funded in this appropriations bill are highly personnel-intensive, supporting tens of thousands of park rangers, foresters, and Indian Health Service doctors. As such, mandated pay and benefit increases for Federal personnel and increases in rent charged by the General Services Administration—increases over which the subcommittee has no control—place a significant burden on Interior bill agencies. The committee must choose either to provide funds to cover these costs, or require agencies to absorb them by reducing services or finding more efficient ways of delivering programs. For fiscal year 2000, these fixed costs amount to more than $300 million. While the committee has provided increases to cover a majority of this amount by drawing on carryover balances and reducing low priority programs, some agencies will be forced to absorb a portion of their fixed costs.

Given the necessity of funding most fixed costs increases within an allocation that is slightly below the current year level, there is little room in this bill for new programs, increases in existing programs, or additional projects of interest to individual Members. But by terminating low priority programs and making selective reductions in others, we have been able to provide targeted increases for certain high priority programs.

The committee has provided a $70 million increase for the operation of the national park system, including $27 million to increase the base operating budgets of 100 park units. This increase is further indication of the Senate's commitment to preserving and enhancing our national park system while remaining within the fiscal constraints of the balanced budget agreement. The Senate bill puts funding for the operation of our parks at a level fully $277 million higher than the fiscal year 1995 level, and 82 percent over the amount provided a decade ago.

For the other land management agencies, the bill provides an increase of $27 million for the Fish and Wildlife Service, including more than $13 million for the operation of the national wildlife refuge system. The bill increases the Forest Service operating account by $17 million, including significant increases for recreation management, forest ecosystem restoration, and road maintenance. A $22 million increase is provided for management of lands by the Bureau of Land Management, as well as another $5 million increase for payments in lieu of taxes. The amount provided for PILT reflects a continued effort to steadily increase appropriations for this program without harming the core operating programs funded in this bill. Though appropriations for PILT were stagnant throughout the first half of this decade, the amount provided in this bill represents a 28 percent increase over the amount provided in fiscal year 1995.

Among the programs in this bill that are specifically for the benefit of Native Americans, the committee's top priority has been to provide the Secretary of the Interior with the resources necessary to fix the Indian trust fund management system. Indian land and trust fund records have been allowed to deteriorate to a deplorable state, and the Department of the Interior now finds itself scrambling to reconcile thousands upon thousands of trust records that are scattered across the country. Many of these records are located in cardboard boxes that have not been touched for years, or in ancient computer systems that are incompatible with one another. The Department is performing this task under the watchful eye of the court, having been sued by those whose trust accounts it is supposed to be managing.

I believe that Secretary Babbitt is making a good faith effort to address this problem, and as such have recommended a funding level for the Office of the Special Trustee that is $39 million over the amount originally provided for fiscal year 1999. This amount will provide for both the manpower and the trust management systems necessary to fix the problem. I will note, however, that the Federal track record in managing large system procurements is spotty at best. As such, I hope to continue to work closely with the Committee on Indian Affairs and the Committee on Energy and Natural Resources to ensure that these funds are expended wisely, and that we will not regret our decision to provide such a considerable amount for this purpose. I plead with my colleagues, however, to refrain from offering amendments to this bill that would radically change the course of action for trust management that has been laid out by the administration. Any such changes should be carefully considered and have the benefit of hearings by the authorizing committees.

With regard to other Indian programs, I will quickly note that the bill provides an $83 million increase for the Indian Health Service, as well as significant increases for both Indian law enforcement and Indian school construction and repair. Funding for Indian schools continues to be among the highest programmatic priorities expressed by members of the Interior Subcommittee.

The Interior bill also funds a myriad of programs that preserve and enhance our nation's cultural heritage. Perhaps the most visible of these programs are the National Endowments for the Arts and the Humanities. While the subcommittee's allocation did not allow us to increase these accounts by large amounts as would be the desire of many Senators, the bill does provide a $1 million increase for each program. These increases will not allow for any dramatic expansion the Endowments' ongoing programs, but do indicate the committee's general support for the Endowments and the efforts they have made to respond to the various criticisms that have been leveled at them. I hope that we may able to do even better next year.

The bill also includes the full $19 million required to complete the Federal commitment to the construction of the National Museum of the American Indian on The Mall, and $20 million to continue phase two of the comprehensive building rehabilitation project at the Kennedy Center.

The final grouping of agencies in this bill that I will mention at this time are the energy programs. The bill provides funding for both fossil energy R&D and energy conservation R&D at roughly the current year level. These programs are vital if we hope to stem our increasing dependence on foreign oil, to preserve the country's leadership in the manufacture of energy technologies, and to enable our economy to achieve reductions in energy use and emissions in ways that will not cripple economic growth. The bill also preserves funding for the weatherization and state grant programs at the fiscal year 1999 level. Maintaining current funding levels for these programs is made possible in part by the absence of any new appropriations for the naval petroleum and oil shale reserves, and a deferral of appropriations previously made for the Clean Coal Technology Program.

Mr. President, I would like to touch on two more issues that may be of particular interest to members. The first is funding for land acquisition. Many Senators are aware that the President's budget request included some $1 billion for a ''lands legacy'' initiative. This initiative is an amalgamation of programs, some of which the committee has been funding for years, some of which are entirely new. Many of the programs included in the initiative lack authorization entirely. While the committee may well have chosen to provide many of these increases if it were allowed to distribute a $1.1 billion increase in spending, the lands legacy initiative is absurd in the context of any overall budget that adheres to the terms of the Balanced Budget Act of 1997—the very act that has helped produce the budget surplus that the President is so anxious to spend.

To be clear, this bill does include large amounts of funding for a variety of land protection programs. The bill provides about the same amount of funding for Federal land acquisition as was included in the Senate reported bill last year. It also includes significant increases for other land protection programs such as the Cooperative Endangered Species Fund and the Forest Legacy program. The bill does not, however, include funds for the new and unauthorized grant programs requested by the administration, and does not include funds for the Stateside grant program that is authorized under the Land and Water Conservation Fund Act. While I am sympathetic in concept to the Stateside program, the subcommittee's allocation does not provide the room necessary to restart the program.

Finally, I would like to take a moment to discuss the issue of appropriations ''riders.'' This administration has leveled much criticism at this Congress for including legislative provisions in appropriations bills. This criticism is disingenuous in at least two ways. First, there are without question legislative provisions in this very bill that, if removed, would prompt loud objections from the administration itself. Among these are provisions well known to my colleagues, such as moratoria on offshore oil and gas development and a moratorium on new mining patent applications. There are also some less well-known provisions that have been carried in this bill for years, the subjects of which range from clearcutting on the Shawnee National Forest to the testing of nuclear explosives for oil and gas exploration. Nearly all of these provisions are included in the bill because Congress at some point felt that the Executive branch was tampling on the prerogatives of the legislative branch.

This leads to my second point. It should be well apparent to my colleagues that this administration long ago made a conscious decision not to engage Congress in productive discussions on a wide array of natural resource issues. Most of these issues are driven by statutes that most reasonable people admit are in dire need of updating, streamlining or reform. Instead, the administration has chosen to implement its own version of these laws through expansive regulatory actions, far-reaching Executive orders and creative legal opinions. When the administration overreaches in this fashion, concerned Senators are compelled to respond. The administration knows this, and has clearly made a political calculation that it is in its interest to invite these riders every year. For the administration to criticize the very practice that it deliberately provokes is, as I have said disingenuous at best.

If the administration wishes to take issue with the substance of these provisions rather than hide behind a criticism of the process, it is welcome to do so. Consideration of this bill is an open process. It is not done ''in the dark of night,'' as we so often read. The bill has moved through subcommittee and full committee, and is open for amendment by the full Senate. I expect that we will discuss some of these provisions during the coming debate, and hope that Senators will carefully consider the arguments made on both sides. What I hope Senators will not do, is vote to abdicate the Senate's responsibility to oversee the actions of the executive branch, or sacrifice the power of the purse that is granted to the Congress by the Constitution.

With that admonition, Mr. President, it is probably an appropriate time to turn to Senator BYRD and thank him for his assistance in drafting this bill. He has been an invaluable resource as I have tried to be responsive to the priorities of Members on that side of the aisle, and has been particularly helpful in securing an allocation for the subcommittee that enables us to report a bill that is deserving of the Senate's support. I thank Senator BYRD's staff as well—Kurt Dodd, Liz Gelfer, a detailee, and Carole Geagley for all the hard work they have done on this bill. I also want to thank my subcommittee staff for the long hours and hard work they have put in on this bill—Bruce Evans, Ginny James, Anne McInerney, Leif Fonnesbeck, Joe Norrell, and our detailee Sean Marsan. Kari Vanderstoep of my personal staff and Chuck Berwick—who has now departed my office for business school—have also done a great job of coordinating the many parts of this bill that have a direct impact on the State of Washington.

Once again, I think this is a good bill that balances the competing needs of the agencies it funds against the broader fiscal constraints that we have imposed upon ourselves. I hope my colleagues will support the bill.

There is one final point I want to make, Mr. President, and emphasize to all the Members and their staffs who are within hearing.

This is a bill created by many individual Senators' requests for projects in their home States, and sometimes for projects that are regional and national in scope. This year, at least during my tenure, we set another new record. One hundred Senators made more than 2,400 requests for specific provisions in this bill. Obviously, we could not grant all of the requests that are valid. I must say most of them were, in the sense they were for projects that would increase the ambience of the park system, the national historic system of the country as a whole.

Senator BYRD and I, working together, have done the best job we possibly could in setting priorities for those programs, within the constraints of a bill I have already said is very limited in the total amount of money we have.

So Members' requests that are not included in the bill were not ignored; they were simply omitted either because the given individual had higher priorities within his or her own State or because other priorities intervened in their way.

Mr. BYRD. Mr. President, I speak today in support of the fiscal year 2000 Interior and Related Agencies appropriation bill. This is an important bill which provides for the management of our Nation's natural resources, funds research critical to our energy future, supports the well-being of our Indian populations, and protects the historical and cultural heritage of our country. I urge the Senate to move swiftly in its consideration of this appropriation bill.

It has been my privilege to serve as the ranking member for this bill at the side of our very able chairman, the senior Senator from Washington. Senator GORTON has done an outstanding job in crafting the bill and balancing its many competing interests, a particularly daunting challenge this year in light of the spending caps within which the Appropriations Committee must operate. Even in the best of years, crafting the Interior bill is not an easy task.

The Interior bill remains one of the most popular appropriation bills, funding a diverse set of very worthy programs and projects. The bill is full of thousands of relatively small, yet very meaningful details. Our chairman is a master of the complexities of the Interior bill. It is a pleasure to work on this appropriations bill with Senator GORTON at the helm. He has treated the Senators fairly and openly. This bill was put together in a bipartisan manner, and it reflects priorities identified by Senators, by the public, and by the agencies which are charged with carrying out the programs and projects funded in the bill.

The breadth of the activities covered by the Interior bill is vast—ranging from museums to parks to hospitals to resources to research—with most of the funds being spent far away from the capital. This bill funds hundreds of national parks, wildlife refuges, national forests, and other land management units. This bill supports more than 400 Indian hospitals and clinics and thousands of Indian students. A wide variety of natural science and energy research and technology development are funded through this bill, providing immediate and far-reaching benefits to all parts of our Nation and to our society as a whole.

This bill makes its presence known in every State—from the rocky coasts of Maine to the mountains of California, from the coral reefs of Florida to the far flung island territories of the Pacific, from the Aleutian Islands in Alaska to the Outer Banks of North Carolina. And the number of requests Senator GORTON and I have received from Senators for project funding in the Interior bill—more than 2,400 requests for specific items—reflects its broad impact. While it is impossible to include every request, Senator GORTON has done an admirable job of accommodating high-priority items within the allocation, an allocation that is $1.13 billion below the President's budget request and nearly $20 million below last year's enacted level of $13.94 billion in new discretionary spending authority.

Highlights of this bill include:

A total of $234 million for federal land acquisition, which is $178 million below the President's fiscal year 2000 request (with reprogrammings) and $94 million below the level of funding included in the fiscal year 1999 act for land acquisition.

A continuing emphasis on operating and protecting our national parks. Park operation funds are increased by $70 million, including increases of $19 million for resource stewardship, $16 million for visitor services, and $20 million for park maintenance.

A continuing focus on the operational needs of the other land management agencies. The bill contains an increase of $24 million for the operating accounts of the Bureau of Land Management, including a $9 million increase for range management. The bill also provides an increase of $22 million for the resource management account of the Fish and Wildlife Service, including an increase of $13 million for refuge operations and maintenance.

The bill contains $159 million for the Strategic Petroleum Reserve, allowing operation of the reserve without selling any of its oil.

Fossil energy research and development is funded at $395 million (with use of transfers and prior year balances), which is an increase above both the enacted level (by $11 million) and the request level (by $27 million). Specific increases also are provided for select energy conservation programs in building research and standards, transportation technology and specific industries of the future activities.

While this bill provides needed resources for protecting some of our nation's most valuable treasures, we still have a long way to go. The agencies funded through this bill are starting to make progress towards addressing their operational and maintenance issues, thanks to the leadership of the Congress. But we are by no means out of the woods. Many deplorable conditions remain; many important resource and research needs are unmet. We must continue our vigilance towards unnecessary new initiatives as well as unwise decreases, our support for the basic programs that provide the foundation of the Interior bill, and our careful stewardship of the resources and assets placed in our trust.

Lastly, I extend a warm word of appreciation to the staff that have assisted the Chairman and myself in our work on this bill. They work as a team and serve both of us, as well as all Senators, in a very effective and dedicated manner. On the majority side, the staff members are Bruce Evans, Ginny James, Anne McInerney, Leif Fonnesbeck, Joseph Norrell, and Sean Marsan. On my staff, Kurt Dodd, Carole Geagley, and Liz Gelfer have worked on the Interior Bill this year. This team works under the tutelage of the staff directors of the full committee—Steve Cortese for the majority and Jim English for the minority.

Mr. President, this is a good bill, and I urge the Senate to complete its action promptly.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, what is the pending legislative business?

Mr. GORTON. I believe I have not abandoned the floor at this point.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the floor was open.

Mr. GORTON. Then I suggest the absence of a quorum.

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

Mrs. MURRAY. Mr. President, I believe I have the floor.

Mrs. BOXER. Point of order, Mr. President. You recognized the Senator from Washington, Senator MURRAY.

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

Mrs. BOXER. I thank the Chair for that clarification.

Mrs. MURRAY. Mr. President, I rise to talk about some legislative language that is in the Interior bill, on which I will be offering an amendment shortly, which is going to give away more of our public lands for the benefit of a few and at a tremendous cost to all the rest of us. This is a cost to the American taxpayer and to our environment.

I want to begin, as I talk about this, by expressing that I am not going to be attacking the mining industry, which this amendment will be speaking to. I believe mining is an important industry in our country. While most of us don't think about it a lot, mining does produce some important minerals that are vital in every one of our lives. Mining is not only important in individual routines, but it is vital to our industrial base and rural economies. We need an active mining industry in our country. Like all of my colleagues, I support a responsible mining act, but we, as citizens of this country, need a fair deal.

Today the mining industry is treated exceptionally well by our very old laws. Unfortunately, the American taxpayers are not treated well. They receive next to nothing from this industry, and our public lands suffer as well.

A fact that should both amaze and really appall the American public is that mining in this country is controlled by a law that was written in

1872. That law was written just a few short years after the Civil War, when Ulysses S. Grant was still President of the United States. The law of 1872 allows mining interests to buy our Federal lands for between $2.50 and $5 per acre. Guess what they are paying for that now, 130 years later. They are paying between $2.50 and $5 per acre. That is quite a bargain.

And what does the hard rock mining industry pay in royalties back to us for using our land, for what they pull out of our land? Nothing, zero, zilch. The hard rock mining industry is the only extractive industry in this country that pays absolutely no royalties to the taxpayers for minerals that are coming from our public lands.

In addition, over the course of these past 130 years since this law was written, the mining industry has caused tremendous environmental damage throughout the West. Mining waste dumps are responsible for poisoning streams, lakes, and ground water with toxic minerals such as lead, cadmium, and arsenic. Mining in the United States has left a legacy of 12,000 miles of polluted streams and 180,000 acres of polluted lakes. There are 500,000-plus abandoned mines in this country. Guess who pays for the cleanup. The taxpayers. That bill is estimated to be between $32 and $72 billion. We, the taxpayers, pay for the cleanup of these mines.

The 1872 mining law did make sense when it was written 130 years ago. I think everybody here agrees that a lot has changed in 130 years. Our Nation is very different. The value of our public lands has increased dramatically, far more than $2.50 an acre. We no longer need incentives to get people to move out west, which is why that mining law was written. The West, I think, has been settled. Our commitment in this country to protect the environment is now extremely intense. It was nonexistent 130 years ago when this law was written, in part because our natural resources seemed unlimited 130 years ago. I think all of us know that is not true anymore.

Mining technology has changed radically in 130 years. Today a lot more land is needed for every ounce of mineral that is extracted. When this law was written, an old man with a pony or a mule would ride up with his pickax and do his mining on his claim. Today we extract hundreds of pounds of rock that is waste. They use cyanide to leach through it to get just a tiny amount of gold. Technology has changed dramatically.

No one can stand up and say we should continue to regulate the mining industry under the law that was written 130 years ago. Everyone knows it is time to make changes. The question is how and when. Do we engage in a comprehensive overhaul, or do we do as we have done in this bill and just fix the section of the 1872 law that offends the mining industry? Do we try to move forward with the 1872 mining law, or do we move backwards?

There is one provision in the 1872 mining law that provides minimal protection for the environment and for the taxpayers. When someone stakes a mining claim, the law provides that that person can obtain up to, but no more than, 5 acres of additional nonmineral land for the purpose of dumping mining waste. You would think, given the incredible deal that the mining industry is getting on access to public lands, the industry would be more than willing to comply with that provision.

Yet when the mining industry was faced with having to comply with the one and only environmental provision of the 1872 mining law, it went running to its champions in Congress to change that provision. The mining industry says it cannot mine if it is only given 5 acres of public land on which to dump its waste. Indeed, it argues, and Senator CRAIG's amendment in this Interior appropriation bill guarantees, the mining industry should get as much public land as it desires to dump its waste. The contention of the industry as well as the language in this bill is that the 5-acre limitation in the 1872 mining law is without meaning. They are wrong. The 5-acre provision provides a small amount of protection for our public lands, and this Senate should retain it.

The Senate has already done some work on this issue. Senator GORTON amended the emergency supplemental appropriations bill that we passed a few months ago to exclude a mine in my home State of Washington from this 5-acre mill site limitation. Of course, other mining industries now want the same good deal. So Senator CRAIG put a rider on the Interior appropriations bill we are now considering, in full committee, that completely voids any limitation on mill sites for all current and future mining operations.

We have to ask: Where is the balance? Where is the fairness in this limited approach? Where is the fix for the public and their lands to this outdated mining law? It is absolutely absent. The sort of reform to the 1872 mining law that we are witnessing in this bill is not taking us forward but it is taking us backwards.

The environmental provisions in the mining law should be strengthened, not eliminated. Taxpayers should be compensated much more by the mining industry rather than being asked to expand the giveaway of public lands that we are doing in this bill.

Senator GORTON's amendment on the supplemental appropriations bill and Senator CRAIG's amendment on the Interior bill give the mining industry everything it wants and give the American public larger dumps. Companies that paid next to nothing for the public land they are mining, $2.50 an acre, are still paying absolutely no royalties and dumping more waste rock than ever on our precious public lands.

I am not going to stand by and let this industry dump waste rock on our public lands without limitation and without true compensation. We do need comprehensive mining law reform, but until then I am going to fight this effort to piecemeal reform, especially piecemeal reform that benefits the one side that already enjoys tremendous advantages under the current system.

Let me show Senators a photo of Buckhorn Mountain in Washington State. This is the area in Washington State. It is a gorgeous piece of public land, our land. This is what it will look like once a mill moves forward, from this to this. What does it cost the mining industry to go from this to this? Mr. President, $2.50 an acre. They won't have to pay for the extra land to dump their rock, the cyanide-leached rock that they put there. They won't pay the taxpayers anything, and this is our public land. We know we need a mining industry, but if the mining industry wants to continue to make profits in this country, then they should at least compensate the public for what they are going to do.

Let me show my colleagues what this area will look like in a few years. What will the mining industry pay us for changing it from the beautiful photo I showed to this? Just $2.50 an acre. Under this bill and under the bill that passed recently, they are going to get as much acreage as they want to dump their rocks onto our public lands.

I want to make some points that I think are worth remembering. The mining industry has been very slow to embrace any mining law reform. Now that it has encountered a part of the law it doesn't like, it is trying to eliminate the one provision that can limit some of the damage that has been caused by the mining.

The mining law permits mining companies to extract gold, silver, copper, and other hard rock minerals without paying a cent in royalties to the taxpayer. Hard rock mining is the only extractive industry to get this benefit. I will show this to my colleagues. Coal pays 8-percent royalties for underground mining. Hard rock mining, none; they pay nothing.

As we look at this chart, we see that hard rock mining clearly has been given a great gift by the taxpayers of this country, and now in this bill, we see them wanting more and more public lands. Have they negotiated a change to the 1872 mining law in exchange for the more land on which they want to dump? No. They are not going to be paying any more royalties. They are not going to be paying any more for the land. We have simply given it away to all current and future mines in this bill.

Coal, oil, and gas miners all pay 12.5-percent royalties from what they take from public lands. Since 1872, taxpayers have given away $240 billion worth of minerals to the hard rock mining industry. By contrast, all Western States collect a royalty or production fee for minerals removed from State lands. We are talking Federal lands in this bill.

Western States collect a royalty or production fee on State lands, collecting between 2 and 10 percent on the gross income of mineral production. We collect nothing for Federal lands.

The 1872 mining law is in need of environmental and fiscal reform. Congress should not overturn the mill site decision and expand it to allow more dumping of mining waste on public lands without getting something back. The mill site decision does not halt hard rock mining on public lands. I want to make that clear. The mill site decision does not halt hard rock mining. Don't believe the false rhetoric you will hear about the Solicitor's opinion enforcing a provision of the 1872 mining law, at the expense of millions of dollars and thousands of jobs. That is simply not true. They can pay for it as everybody else does if they need more land.

The Department of the Interior will not enforce the mill site waste limitation retroactively. For future mine proposals and mine expansion, the limitation will apply. The industry says the mill site decision is not consistent with existing law and instead is policy advocacy by the Interior Department. I am sure we will hear that from our colleagues. That is incorrect. The 1872 mining law clearly limits mill site claims to 5 acres for each lode or placer claim. If the industry is so sure of its legal position, it can fight the Solicitor's opinion in court.

For the Record, let me show my colleagues what the law actually says. The mill site statute we referred to throughout this debate is right here. It says:

> Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith.

And it goes on and it says:

> Such land may be included in application for a patent for such claim, and may be patented therewith subject to the same requirements as to survey and notice as are applicable to placers. No location made of such nonmineral land shall exceed five acres.

That was the law written back in 1872. It is very clear. Five acres. It says so right here. If the industry doesn't agree with the Solicitor's opinion that this law doesn't say exactly what we have just read, they can go to court and fight it. But to come and give this huge giveaway to an industry that already receives an awful lot from the taxpayers I believe is wrong.

Clearly, we need to reform the mining law of 1872 and maybe, in fact, the mill site limitation needs revision, but not here, not in this way. We need to hold hearings and mark up an authorization bill. We ought to give the American public time to learn of the issue and revise input. If we are going to revise the 1872 law—and we should—we, the taxpayers, ought to give something back.

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

Mrs. MURRAY. Yes.

Mr. DURBIN. I am glad I can join the Senator in her effort to oppose section 336. This is an environmental rider that is part of the Interior appropriations bill. The administration said that it is 1 of the 13 riders—I think there are 9 remaining—which would be the basis of a veto of the legislation. I want to make sure the Record is clear and ask the Senator from Washington several questions.

In every instance when she referred to mining, are we talking about mining on public land?

Mrs. MURRAY. We are absolutely referring to mining on our public land.

Mr. DURBIN. So this is land that is owned by all of us, all American taxpayers, land that has been purchased or obtained and supervised over the years at the expense of Federal taxpayers?

Mrs. MURRAY. The Senator from Illinois is absolutely correct. In order to have a claim, you stake your claim on our public lands, lands owned by the taxpayers, and then you have the right to go ahead and move forward and dig your hard rock, and all you have to pay is $2.50 an acre.

Mr. DURBIN. So for $2.50 an acre, these companies—even foreign companies—can go to our federally owned, publicly owned lands and they can start mining for various minerals of value, is that correct?

Mrs. MURRAY. That is correct.

Mr. DURBIN. Now, as I understand the Senator from Washington, you can take up to 20 acres for the actual mining of the mineral, and then you can use 5 acres under the law, nonadjacent, not connected, for the so-called mill site.

Mrs. MURRAY. That is correct. That is where they dump the rock they have extracted.

Mr. DURBIN. Will the Senator show us the photo of what the mill site dumping ground looks like for those who have decided to mine on land owned by taxpayers? If you could show us as an example——

Mrs. MURRAY. This would be one example, I say to the Senator from Illinois, of what a dump site looks like. Here is another one we have. I will put this up as well. This shows where we have an open pit mine, which is what we are talking about, and where the rock is dumped.

Mr. DURBIN. Let me ask the Senator from Washington, if some company—and it could be a foreign company—pays $2.50 an acre, they can start mining these minerals, and then they can take 5 acres of public land and dump all of the rock and waste that is left over after they have mined, is that correct?

Mrs. MURRAY. That is correct.

Mr. DURBIN. Does that company have an obligation under the law, or otherwise, to clean up the mess they have left behind?

Mrs. MURRAY. No, they do not.

Mr. DURBIN. That is an important point. After they have gotten this wonderful deal—$2.50—to go ahead and mine for valuable minerals, they then dump on the mill site all of their waste and rock and leave it for generations to come—some of those pictures look like a lunar landscape—if I understand what the Senator from Washington is saying.

Mrs. MURRAY. Well, the Senator from Illinois is correct. Currently, there are 500,000 more abandoned mines in this country today, and the cleanup for that is estimated to be between $32 billion and $72 billion. That is our money.

Mr. DURBIN. Do they monitor the dump sites, mill sites, for these mines to make sure they don't have at least any environmental danger? They are ugly, but are they environmentally dangerous?

Mrs. MURRAY. In the permanent thinking of mining, those decisions are looked at. But once this is there, it becomes abandoned. It falls to the taxpayers to have to clean it up.

Mr. DURBIN. Let me ask the Senator from Washington, section 336 of this bill, the so-called environmental rider, called a prohibition on mill site limitations, if I read this correctly—I would like to read it to the Senator from Washington for her response—says:

> The Department of Interior and the Department of Agriculture, and other departments, shall not limit the number or acreage of mill sites based on the ratio between the number or acreage of mill sites and the number or acreage of associated load or placer claims for any fiscal year.

I want to ask the Senator from Washington, as I read this, the 1872 mining law put a limitation of five acres on those who mine on our Federal lands to use as a dump site for their mill tailings. If I understand this environmental rider, this says there is no limitation whatsoever—that if this is enacted, these mining companies paying $2.50 an acre and literally taking millions of dollars of minerals out of our land and not paying us for it can then turn around and dump their waste in every direction with no limitation on the number of acres they can cover with this waste.

Mrs. MURRAY. The Senator from Illinois is exactly correct. If we allow the language that is in the Interior bill to move through and to become law, that is exactly correct.

Mr. DURBIN. I ask the Senator from Washington the following question. It almost boggles the mind that we would be so insensitive to the legacy of our generation that we would take beautiful land owned by our country which could be visited and used by future generations and turn it into a landscape dump site of these mill tailings with absolutely no obligation by the company that has made the mess.

Is that the outcome of this amendment?

Mrs. MURRAY. The outcome of this amendment is that we will have hundreds of acres in this country—maybe thousands of acres—with tailings on

them and cyanide-leached rock left on them, and it will be our responsibility to clean it up. And the mining industry will not have given us a dime for that.

Mr. DURBIN. If I understand, if I might ask the Senator from Washington, this so-called cyanide leach process—I am not an expert, but as I understand it, those who are able to mine on Federal public lands bring up the dirt and the rock and then pour some form of cyanide over it hoping they will derive down at the bottom of this heap some handful of gold, for example.

Mrs. MURRAY. The Senator from Illinois is correct. The technology that is available today allows mining companies to haul out rock, pour cyanide through it, and come up with an ounce of gold. The price of gold today allows them to do that. It has been profitable for them. Therefore, they take tons of rock, and they are claiming of course that they need more acreage for mill sites because it takes so much more rock to get a small amount of gold.

Mr. DURBIN. Am I correct that the Senator from Washington is saying that after they have poured the cyanide over the rock and the dirt is taken away, they have a handful of gold, and they walk away from the mess that is left behind?

Mrs. MURRAY. The Senator from Illinois is absolutely correct. This is what it would look like.

Mr. DURBIN. Let me ask the Senator, if we are dealing with a law that was written 127 years ago, the obvious question is, Why would they want to amend one section to allow these mining companies to befoul so much more public land and leave the mess behind after they have taken the profits? Why aren't we addressing a wholesale reform or change of this mining law so that taxpayers have a fighting chance?

Mrs. MURRAY. I respond to the Senator from Illinois, I am as baffled as he is, that every Senator knows the 1872 mining law needs to be reformed. It needs to be reformed in a fair and responsible manner. If, indeed, the mining companies need more mill sites, then the taxpayers ought to get something in return. In fact, the mill site limitation is truly the only part of this law that allows us some control over what is left behind because the mining industry did not want to give and take, they just took, and got their rider put into this bill.

Mr. DURBIN. I would like to ask the Senator from Washington to compare—I think this really tells an interesting story, too—the difference in standards that we apply for those who want to use Federal public lands owned by the taxpayers to mine coal and those who want to use them for hard rock mining or for other minerals. I am amazed. I would like to ask the Senator from Washington if she can tell me why. It is my understanding that when it comes to the selection of the mining site, there has to be approval by the Bureau of Land Management through a leasing process for the mining of coal on Federal lands.

Mrs. MURRAY. If the Senator will yield, I have a chart that shows what you do if you are going to mine coal and what you do if you are going to mine hard rock. On the selection of the coal mining site, you have to get approval through a leasing process under the Mineral Leasing Act. In comparison, if you are going to do hard rock mining, which we are talking about in this bill, it is self-initiation on the location. In the mining law based in 1872, there is no BLM approval that is required.

Mr. DURBIN. I would like to ask the Senator a second point. What a giveaway this is—$2.50 an acre. They can literally mine millions of dollars' worth of minerals. The amazing thing is, they do not pay the taxpayers of this country any percentage for what they bring out.

I would like to ask the Senator from Washington to compare the mining of coal on Federal lands when it comes to royalties to mining under the hard rock provisions.

Mrs. MURRAY. The Senator from Illinois is correct. Coal miners have to pay 8 percent for underground mining and 12½ percent for surface mining where hard rock pays none.

I would think the Senators from States who have coal miners who are paying 8 percent would be rushing to the floor and saying: Where is the fairness here where you can mine hard rock for gold and pay not one dime back to the taxpayers for the use of that public land and for what you have extracted from that public land, and yet coal is 12½ percent?

Mr. DURBIN. Is the Senator from Washington aware of the fact that in 1959 a Danish mining company—not an American company—successfully patented public lands in Idaho containing over $1 billion worth of minerals and paid the Federal taxpayers $275?

Mrs. MURRAY. I would say to the Senator from Illinois that there are a lot of taxpayers out there who would like to earn $1 million and only pay $275.

Mr. DURBIN. Is the Senator aware as well that since 1872 there has been more than $240 billion of taxpayer subsidies to this mining industry?

Mrs. MURRAY. I was unaware of the figure, but $240 billion in subsidies does not surprise me.

We are saying that if we are going to hand you another giveaway, which this bill does, what are you going to give us back? In this bill, they give nothing back.

Mr. DURBIN. Is my understanding correct, I ask the Senator from Washington, if you are going to mine coal on public lands, you have to have a detailed permitting and reclamation standard filed which says you are going to clean up your own mess, but when it comes to hard-rock mining you can literally leave your mess behind, from what appears to be a very weak standard?

Mrs. MURRAY. The standard criterion is absolutely correct. If you are going to dig coal, you have to have a detailed permitting and reclamation standard. But if you are going to mine hard rock, which we are talking about in this bill, this giveaway in this bill, you have to show reasonable measures to prevent unnecessary or undue degradation of the public land. It is very minimal.

Mr. DURBIN. I say to the Senator from Washington, I am happy to join her in this effort. This debate will continue. I am happy to say that when she has completed her statement on the subject, I will have some other things I would like to add.

I see the Senator from California on her feet to ask another question.

Mrs. BOXER. Yes. Thank you very much. I ask the Senator from Washington to yield for a few questions.

Mrs. MURRAY. I would be happy to yield for a question.

Mrs. BOXER. I appreciate the leadership of the Senator from Washington and Senator DURBIN from Illinois on the Appropriations Committee fighting this antienvironmental rider all the way from the day they heard about it. I am just pleased to be here in a supportive role.

The reason I came to the floor is that the Senator from Washington has spoken in depth about a particular mine in her State. I want to ask her a few questions about a mine in my State, not that I expect her to be aware of all of this, but to see if she agrees with some of my conclusions on this.

First, I want to underscore through some questions what the Senator from Illinois asked; that is, I say to the Senator from Washington, I have learned by listening to this debate that when one mines for coal, there is in fact a royalty payment due to the Federal taxpayer. Is that correct?

Mrs. MURRAY. The Senator from California is correct. If you are mining for coal, you have to pay 8 percent for underground mining and 12½ percent for surface mining. That is royalty that you pay back to the taxpayers for the use of that land.

Mrs. BOXER. Is it kind of like a rent payment? You go onto Federal land, and for that privilege you pay a percentage of the value of the coal that is mined and extracted from that land. Is that correct?

Mrs. MURRAY. The Senator is correct. If the Senator from California had a mine and wanted to go in and dig coal out of our public lands, she would have to pay the public back something for that coal. It is ours, after all. But if you are going to dig for gold, hard rock mining, you do not have to give us anything back.

Mrs. BOXER. Is the Senator aware—I know she is because she is working with me on this issue, too—that if an oil company finds oil on Federal land, they must pay a royalty payment as well? Is that correct?

Mrs. MURRAY. The Senator from California is well aware that when you

extract oil, you pay a royalty; you pay us, the public, who owns the lands, something back.

Mrs. BOXER. As a matter of fact, the Senator knows, because she is helping me on this, as is the Senator from Illinois, we have problems with some of the large oil companies. We don't believe they are paying their fair share of oil royalties, but at least they are paying some royalties.

Mrs. MURRAY. The Senator from California is correct. She may not agree they are paying enough, but they are paying something. Under the current mining laws in this country, hardrock mining pays nothing back to the taxpayers.

Mrs. BOXER. Is it not further the case the Senator from Washington is not suggesting that there be any royalty payment?

Mrs. MURRAY. I am only suggesting, I say to my colleague, that if in this bill we are blatantly going to give them use of our public lands far in addition to what they have had before, they give the public something back. Maybe we should negotiate that in terms of royalties; maybe it should be in a higher percentage that they pay the public; maybe it should be in the requirement that they clean up the land that they have left behind.

Certainly we should get something back for our public lands rather than what we have done in this bill, which is to just give them more of our land.

Mrs. BOXER. Right now, what these hardrock miners want to do is ignore the 1872 mining law. Is it not a fact that in this bill we agree with those mining companies that they can use as much land as they may choose for the waste that comes out of these mines?

Mrs. MURRAY. I say to my colleague, what has occurred is that the technology for taking rock out and getting just a little bit of gold has changed dramatically. The mining companies who used to be able to get by on five acres can no longer get by on five acres. They want a lot more. Instead of negotiating with Congress to pay something back for additional shares, they are saying, no, in this provision in this bill, we have given it away to them for nothing else.

Mrs. BOXER. I ask my friend, because she is the expert on this, if she thinks my description is a good description of why they seem to need so much more land for their waste. From the cyanide leach mine pits, piled hundreds of feet high, over an area of several football fields, is a cyanide solution that is sprinkled over the piles. The cyanide, which is poison, trickles down through the ore, chemically combines with the gold and ore, and collects and pools at the base of the piles. The gold is stripped from the cyanide solution, but the cyanide solution is left on the site.

That is what is so contentious. We have poisoned and dumped on beautiful Federal lands. In this bill, we say: Amen; continue to do it. My friend from Washington is trying to say no to that environmental degradation.

Mrs. MURRAY. The Senator from California gives a very accurate description. Yes, maybe we need gold. We all know there are reasons to have gold. But if the mining companies are going to extract that rock and use cyanide leach, and need more acreage for the dumped rock with cyanide on it, they should pay something back. We should not give it away in the bill. That is what we have done.

Mrs. BOXER. I have a last question, and I don't expect the Senator to know about this particular proposal, but hopefully she can respond to this. In southern Imperial County, CA, a Canadian mining company called Glamis Imperial proposes to build a massive, open pit, cyanide heap leach mine, the kind I have described in my question to the Senator from Washington.

I want the Senator to know how much the people of California treasure their environment, particularly in these areas where we have Native Americans who have very serious tribal concerns over this area. When she fights for the environment in this way, it is not just for the precious State she represents so well, but it is for many other States, including California.

My question is, is my friend aware at the reach and breadth of the fight she is waging?

Mrs. MURRAY. I appreciate the comments from the Senator from California. There are mines in her State as well as many other States where this amendment will simply allow acres and acres of mill site waste to be dumped, with nothing back to the taxpayers.

I hope my colleagues will support me when I offer the amendment to strike the language in this bill, and I hope, as a Congress, we do what we should have done so long ago, which is to look at the 1872 mining law. If the mining companies, indeed, do need more dump sites, ask what we get in return. We should have a fair debate on the mining law. It should not just be in this Interior bill which comes to us at 5 o'clock, when we need to pass a tax bill that we want to start on tomorrow and everybody wants to finish tomorrow, forcing a bill to pass with a huge giveaway. Let's give something back, make sure we have responsible mining reform, and make sure we do it right for the taxpayers who deserve a lot better.

I appreciate the questions from the Senator from California. I will be offering my amendment in a short while. I urge my colleagues to support this amendment on behalf of the environment, on behalf of the taxpayers, on behalf of what is right and fair for people who pay their taxes every day, for other industries to pay their royalties, to pay a fair share. Let's do the mining reform law correctly.

I thank my colleagues. I know the Senator from Illinois wants to discuss this, and I see the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1359

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], proposes an amendment numbered 1359.

Mr. GORTON. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 79, line 19 of the bill, strike ''under this Act or previous appropriations Acts.'' and insert in lieu thereof the following: ''under this or any other Act.''

Mr. GORTON. Mr. President, this is merely a technical amendment sent up simply so Members proposing amendments should ask to have it set aside. We will proceed in a more orderly manner in that fashion.

I expected the Senator from Washington to make a motion to strike. If she wishes to do so now, there will be an amendment to that, and we can complete this debate. If she does not wish to do so, the Senator from New Hampshire is prepared to offer an amendment on which there could be a vote probably in an hour or so.

Does the Senator from Washington wish to make a motion to strike or some other motion at the present time?

Mrs. MURRAY. Mr. President, I do intend to offer this amendment. My colleague from Illinois, Senator DURBIN, desires to speak first and then I will.

Mr. GORTON. There is plenty of time to speak after the amendments are before the Senate. If the Senator, my colleague from Washington, wishes to make a motion to strike now, I will yield the floor for her to do so. If she does not, I suggest we go on to an amendment we can deal with right away.

Mrs. MURRAY. Mr. President, if my colleague from Washington State will yield for a question.

Mr. GORTON. Yes.

Mrs. MURRAY. We want to make sure that all the Members on the other side who wish to speak on this are ready to do so.

Mr. GORTON. There will be no limitation on debate until the amendment is agreed on both sides.

Mrs. MURRAY. With that understanding, I am happy to offer my amendment at this time.

Mr. GORTON. I yield the floor.

AMENDMENT NO. 1360

(Purpose: To strike the provision relating to millsite limitations)

Mrs. MURRAY. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. DURBIN, and Mr. KERRY, proposes an amendment numbered 1360.

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

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

The amendment is as follows:

On page 122, strike lines 1 through 15.

AMENDMENT NO. 1361

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. CRAIG, and Mr. BRYAN, propose an amendment numbered 1361 to the language proposed to be stricken by amendment No. 1360.

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

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

The amendment is as follows:

In lieu of the language proposed to be stricken, insert:

SEC. . MILLSITES OPINION.

(a) PROHIBITION ON MILLSITE LIMITATIONS.—Notwithstanding the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites under the general mining law (referred to in this section as the ''opinion''), in accordance with the millsite provisions of the Bureau of Land Management's Manual Sec. 3864.1.B (dated 1991), the Bureau of Land Management Handbook for Mineral Examiners H–3890–1, page III–8 (dated 1989), and section 2811.33 of the Forest Service Manual (dated 1990), the Department of the Interior and the Department of Agriculture shall not, for any fiscal year, limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to any patent application grandfathered pursuant to Section 312 of this Interior Appropriations Act of __; any operation or property for which a plan of operations has been previously approved; any operation or property for which a plan of operations has been submitted to the Bureau of Land Management or Forest Service prior to October 1, 2000; or any subsequent amendment or modification to such approved or submitted plans.

(b) NO RATIFICATION.—Nothing in this Act shall be constructed as an explicit or tacit adoption, ratification, endorsement or approval of the opinion.

Mr. REID. Mr. President, I simply want to say I have every understanding of the consternation and the concern of my friends from Washington, California, and Illinois about the state of mining in America. They have concerns that should be raised. They have concerns that have been raised. However, this very narrow issue is being talked around.

The fact of the matter is, the picture that my friend from Washington held up, a beautiful mountain area in Washington, has nothing to do with what we are talking about tonight.

The fact is the pictures she showed were pictures from some other mining operation that probably took place at least 60 years ago.

Let's take, for example, a mine that is right over the Nevada border in California. It is called Viceroy Gold. It is in the State of the Senator from California, but it is a mine that is very close to the people of the State of Nevada. It is a short distance from the place I was born, Searchlight, NV. It took $80 million to get that operation in a situation where it could be mined. It started out as an old mine and was originally called Big Chief Mine around the turn of the century. After spending $80 million, this mine was developed. It is an open-pit mine.

I invite everyone to look at that mine because part of the requirements of being allowed to mine there is the land has to be reclaimed. This is an area where they have Joshua trees and some small cedar trees, lots of sagebrush. They have a nursery. When they decide to take some ore, some muck, some dirt out of the ground, they take the trees that are where this open-pit mine is going to be, and they save them. When that area is mined out, they have to reclaim the land. They fill it up and replant these trees. That is going on right now.

That mine only has about a 2-year life left. When the mine is finished, the land will look like it did before. That is one of the requirements. They put up a big bond which makes that necessary. It is not a question of they do it because they like to do it; they do it because that is a requirement of the State of California that they replace the land the way it used to be.

It is good to do all these scary pictures about mining. My father was a miner, and if my father thought there was gold under my desk, he would dig a hole. That is the way he used to do things. But you cannot do that anymore. There are requirements that say you cannot do that.

I say to my friends from the State of Illinois, from the State of California, and the State of Washington, I have tried to change the 1872 mining law. We have been trying to do that for 10 or 12 years. We offered legislation to change that. We have been as far as conference to change it, but it is never quite good enough. No one is willing to go 50 yards; they want to go 100 yards.

I have always said: Let's change it; let's do it incrementally. It is similar to the Endangered Species Act in which I believe. People want to rewrite the Endangered Species Act totally. It will never happen. We are going to have to do it piece by piece.

Superfund legislation: I believe in the Superfund legislation. We are never going to reauthorize Superfund totally. We need to do it piece by piece. That is what we need to do with this mining law.

What are we talking about? Secretary Bruce Babbitt is only going to be Secretary of the Interior for another year and a half. He is not willing to go through the legislative process. What he wants to do is legislate at the Department of Interior, down at 16th Street or 14th Street, wherever it is. He is legislating down there, and he has admitted it.

Secretary Babbitt has indicated he is proud of his procedure and proud of the way he is doing it. This is what he has said:

. . . We've switched the rules of the game. We're not trying to do anything legislatively.

Here is what else he says:

One of the hardest things to divine is the intent of Congress because most of the time . . . legislation is put together usually in a kind of a House/Senate kind of thing where it's [a bunch of] munchkins . . .

The munchkins, Mr. President, are you and me. He may not like that, but I think rather than taking an appointment from the President, he should do as the First Lady and run for the Senate and see if he can get it changed faster.

Our country is set up with three separate but equal branches of Government. The executive branch of Government does not have the right to legislate. It is as simple as that. What has been done in this instance is legislating. That is wrong.

What we are doing—and that is what this debate is all about—is not changing anything. We are putting it back the way it was before he wrote this opinion—he did not write it; some lawyer in his office wrote it—overturning a law of more than 100 years.

All these pictures are not the issue at point. I do not think any of my colleagues will agree that President Clinton or any of his Cabinet officers or anybody in the executive branch of Government have the legal ability to write laws. That is our responsibility, and that is what this debate is about today.

I recognize the 1872 mining law needs to be changed. Let's do it. I am not debating the fact that it needs to be changed. I have offered legislation at the committee level and the conference level to change the amount of money that mining companies pay when they get a patent. We all agree that should be done, but they do not want to do it because it takes away a great piece of argument they have: You can get land for $5 an acre.

We have agreed to change it. It has been in conference where we said: If you go through all the procedures to get a patent, then you should pay fair market value for the land. We agree. Let's do it.

They keep berating these mining companies. Mining is in a very difficult time right now. The price of gold is around $250. Yesterday, the press reported that a company from a little town in Nevada called Battle Mountain in Lander County laid off 200 more workers. That little community has had a little bar and casino for some 60 years. That just closed. Mining is in very difficult shape.

I say to my friends who care about working men and women in this country, the highest paid blue collar workers in America are miners. I repeat: The highest paid blue collar workers in America are miners. They are being laid off because mining companies cannot proceed as they have with these jobs when the gold price has dropped $150 an ounce. It went from almost $400 to $250. They are really struggling. England just sold I do not know how many tons of gold. The IMF is threatening to sell gold. Switzerland is talking about selling gold.

Mining companies are having a difficult time maintaining. One of the largest mining companies in Nevada—the State of Nevada is the third largest producer of gold in the world. South Africa and Australia lead Nevada. We produce a lot of gold, but the confidence of the mining industry has been shaken tremendously. It is getting more and more difficult to make these mines profitable.

One mining company in Nevada, a very large company, has had two successive years of tremendous losses. We have one mining company that still has some profits, the reason being that they sold into the future. They are still being paid on a high price of gold which the free market does not support.

I say to my friends, let's change the mining law. All we are trying to do, I repeat, is not let Secretary Bruce Babbitt legislate. That is what he did. All this does is take the law back to the way it existed.

I heard my friend from Washington say: Why don't the mining companies—I may have the wrong word; ''dialog'' is not the word she used—have some dealings with Congress? They have tried. We are trying to come up with legislation on which we should all agree.

I hope my friends, for whom I have the deepest respect, understand this is a very narrow issue. I do not mind all the speeches. My friend from California, my friend from Washington, and my friend from Illinois are some of the most articulate people in the Senate. They have great records on the environment. My record on the environment is second to no one. I acknowledge I have defended the mining industry in this Chamber for many years, and I will continue to do so. I want everyone to understand I have tried to be reasonable on this issue, at least that is according to through whose eyes you look. I have tried to be reasonable on this issue before us today.

Also, I have tried to be reasonable on the mining issue generally. As my friends will acknowledge, in the subcommittee I offered a very minimal amendment. It was broadened in the full committee, which is fine. But what I have done, along with Senators BRYAN and CRAIG, is tried to change what was done in the full committee.

I think what we have done is reasonable. I tell my friends, basically, here is what it says. It says Babbitt's opinion does not apply to mining operations that are now ongoing and mining operations that are ongoing that need additional mill sites. It does not apply to new applications. I think that is fair.

Mrs. MURRAY. Will the Senator yield for a question?

Mr. REID. In a second.

I think it is fair. I say to my friends, I think it should not apply to anything because I think the opinion is worthless and does not have any meat on its bones. I do not think the Solicitor has any right to offer the opinion that he did. But I think this amendment is an effort to kind of calm things down, to compromise things. I say to my friends, if you want the law changed, let's change it. I am happy to work with you.

I am happy to yield for a question without losing my right to the floor.

Mrs. MURRAY. I appreciate the Senator yielding for a question because the Senator has a second-degree to my amendment that strikes the language. I understand the Senator from Nevada would like to find a compromise, but the language of the second-degree says that:

> . . .any operation or property for which a plan of operations has been previously approved; any operation or property for which a plan of operations has been submitted to the Bureau of Land Management or Forest Service prior to October 1, 2000; or any subsequent amendment or modification to such approved or submitted plans.

To me, it says that leaves the door open for any future, not just current, mine.

Mr. REID. We can even talk about the effective date of this legislation. But the intent of the amendment is to protect those operations that are now ongoing. Secretary Babbitt has written a letter to me—that is part of the record of the committee—saying that mining operations that are now in effect would not be harmed by his Solicitor's opinion. What this amendment does is go one step further and say, not only the mining operations that are now in effect but those that are ever in effect that have filed a plan of operation to expand would also be protected.

So that is really the intent of the amendment.

I say to my friends, don't beat up on the mining industry. They supply good jobs. We are willing to change the law. I do not know if any of my friends are on the committee of jurisdiction, the Natural Resources Committee. I am not. I would be happy to work with you in any way I can, as I have indicated on at least one other occasion tonight.

We have tried. We have had legislation that dramatically changes the 1872 mining law that has gotten as far as the conference between the House and Senate, but it was not good enough. We have made absolutely no changes in the law since I have been in the Senate, going on 13 years. I want to make changes. There aren't too many people who are not willing to make changes.

So I would hope we could tone down the bashing of the mining companies. They supply jobs. They are not trying to rape the environment. Under the rules that are now in effect, if they wanted to, it would be very hard to do.

In the place where I was raised, we have hundreds of holes in the ground, created in the years when mining took place there. There are a lot of abandoned mines we need to take care of. There are laws in effect.

In the State of Nevada you have to have fences around some of the holes so people do not ride motorcycles into them or do things of that nature. Abandoned mines that create a harm to the environment, we need to clean them up. I am willing to work harder to have money to do that. But let's limit what we are talking about to the harm that has already been done. Certainly we have a right to do anything legislatively we need to do to protect harm from happening in the future. That is what I am willing to do.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that Mike Haske, a congressional fellow in my office, be granted privileges of the floor during the pendency of S. 1292.

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

Mr. REID. Mr. President, if the Chair would indulge me for a second.

I apologize to my friend from Illinois who I understand wants the floor.

I yield the floor at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I want to make a quick unanimous consent request.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that Sean Marsan and Liz Gelfer, both on detail to the Appropriations Committee staff, and Kari Vander Stoep of my personal staff, be granted floor privileges for the duration of the debate on the fiscal year 2000 Interior and Related Agencies Appropriations Act.

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

CLARIFICATIONS TO SENATE COMMITTEE REPORT NO. 106–99

Mr. GORTON. I note for the RECORD technical clarifications to the committee report:

On page 37 of the report, the section of the Alaska National Interest Lands Conservation Act that is cited should be section 1306(a), not section 1307(a).

In the last paragraph on page 13 of the report, the reference to the ''Las Vegas Water Authority'' is an error. The language should have referred to the ''Las Vegas Valley Water District.''

With that, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I rise in opposition to the motion that has been filed by the Senator from Nevada, Mr. REID, on behalf of himself, Senator CRAIG, and Senator BRYAN.

As I read the amendment that has been proposed by the Senator from Nevada, there is virtually no change in the original language offered by Senator CRAIG.

What the Senator from Nevada seeks to do is to say those mining operations currently in operation, those which have the plans of operations submitted to the Bureau of Land Management prior to October 1 of the year 2000, will not be subject to limitation on the acreage that can be used for their dumping of their mill site. I would suggest to the Senator from Nevada it is a slightly different approach, but the net impact is the same.

I have the greatest respect for the Senator from Nevada. I understand his knowledge and familiarity with this subject is certainly far better than my own. But I can tell the Senator, if he drives across my home area in down State Illinois, he will see the legacy of mining which we continue to live with.

In years gone by, in the State of Illinois, and many other States, mining companies literally took to the land, extracted whatever was valuable, and left the mess behind for future generations. You can see it, not only in the areas where we had shaft mining, but you have on our prairies small mountains of what was left behind, often toxic in nature, that now have to be reclaimed by today's taxpayers. Or you might visit Fulton County or southern Illinois and find areas that were strip mined. What is left behind is horrible. It is scrub trees, standing lakes, but, frankly, uninhabitable and unusable—left behind by a mining industry that had one motive: Profit.

It is interesting to me this debate really focuses on a law which was written 127 years ago. Not a single Member of the Senate would suggest that our sensitivity to environmental issues is the same today as it was 127 years ago. We know better. If you want to mine coal in Illinois today, you are held to high standards. The same is true in virtually every State in the Union. You can no longer come in and plunder the land, take out the wealth from it, and leave behind this legacy of rubbish and waste, this lunar landscape. That is today. That is the 20th century. That is 1999.

But when it comes to hard rock mining, we are driven and guided by a law that is 127 years old. It is interesting that the hard rock mining industry has not really worked hard to bring about a real reform of the law. I think that has a lot to do with the fact they have a pretty sweet deal.

For $2.50 an acre, they can take taxpayers' land—owned by Americans—and use it for their own profit, leaving their waste and mess behind, and move on.

For hundreds of dollars, they can extract millions of dollars of minerals and not pay the taxpayers a penny.

The Senator from Nevada says: Don't beat up on the mining industry. I think that is a fair admonition. I don't believe we should beat up on the environment either. We certainly shouldn't beat up on taxpayers. The 1872 mining law does just that.

What is this all about? You will undoubtedly hear in a few minutes from the Senator from Idaho and others that some bureaucrat in the Department of the Interior in November of 1997 took it upon himself to decide what the law would be and all this amendment is about is to try to say to that bureaucrat: It is none of your business. We will decide how many acres you can use to dump your waste after you have mined on Federal land.

What is it all about? On November 7, 1997, the solicitor of the Department of Interior, Mr. Leshy, issued an opinion enforcing a provision of the 1872 mining law which restricts the amount of public land that can be used to dump waste from hard rock mines.

Now, some of those who support this amendment believe that the 1872 mining law is open to interpretation. Interestingly enough, the other body, the House of Representatives, by a margin of almost 100 Members, said that that interpretation is wrong. They go along with the position supported by the Senator from Washington and myself. With respect to mill site claims, the law states: ''No location made on and after May 10, 1872, shall exceed 5 acres.'' The law allows one 5-acre mill site claim per mineral claim. It means that if you buy, at $2.50 an acre or $5 an acre, the right to mine for these minerals, you can only use a 5-acre plot to dump your waste on the so-called mill site.

The effect of the amendment offered by the Senator from Nevada and the Senator from Idaho is to say: No, you can dump on as many acres as you want to, unlimited. Go ahead and leave the waste behind. Let the taxpayers in future generations worry about the environmental impact and what it does visually to America's landscape.

The Leshy opinion in 1997 simply reaffirms the plain language of the law and prior interpretations by Congress and by the mining industry.

I have in my hand citations of the mill site limitations under the 1872 mining law. I ask unanimous consent to have this printed as part of the RECORD.

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

MILLSITE LIMITS UNDER THE 1872 MINING LAW

1872—Mining Law enacted, stating: ''no location [of a millsite] shall exceed five acres.'' 30 U.S.C. §42(a).

1872—One month later, General Land Office issues regulation stating: ''*The law expressly limits mill-site locations made from and after its passage to five acres . . .*'' Mining Regulations §91, June 10, 1872, Copp, U.S. Mining Decisions 270, 292 (1874) (emphasis in original).

1884—Secretary of the Interior rules in J.B. Hoggin, 2 L.D. 755, that more than one millsite may be patented with a lode claim, provided that the aggregate is not more than five acres.

1891—Secretary of the Interior rules in Hecla Consolidated Mining, 12 L.D. 75, that the Mining Law ''expressly limits the amount of land to be taken in connection with a mill to five acres.''

1891—Acting Secretary of the Interior rules in Mint Lode and Mill Site, 12 L.D. 624, that the Mining Law ''evidently intends to give to each operator of a lode claim, a tract of land, not exceeding five acres in extent, for the purpose of conducting mining or milling operations thereon, in connection with such lode.''

1903—Acting Secretary of the Interior rules in Alaska Copper Co., 32 L.D. 128, that the ''manifest purpose [of the millsite provision of the Mining Law] is to permit the proprietor of a lode mining claim to acquire a small tract of . . . land as directly auxiliary to the prosecution of active mining operations upon his lode claim, or for the erection of a quartz mill. . . . The area of such additional tract is by the terms of the statute restricted to five acres as obviously ample for either purpose.''

1914—Curtis H. Lindley writes in the third edition of his oft-cited treatise Lindley on Mines, §520, that a ''lode proprietor may select more than one tract [for a millsite] if the aggregate does not exceed five acres.''

1955—Denver mining attorney John W. Shireman writes in the First Annual Rocky Mountain Mineral Law Institute that ''Each lode claim is entitled to one mill site for use in connection therewith . . .'' Shireman, ''Mining Location Procedures,'' 1 Rocky Mtn. Min. L. Inst. 307, 321 (1955).

1960—Congress amends the Mining Law to allow location of millsites in connection with placer claims. In its report on the bill, the Senate Interior Committee explained that it had modified the language of the bill ''so as to impose a limit of one 5-acre millsite in any individual case preventing the location of a series of 5-acre millsites in cases where a single claim is jointly owned by several persons. . . . In essence, [the bill] merely grants to holders of placer claims the same rights to locate a 5-acre millsite as has been the case since 1872 in respect to holders of lode claims . . .'' S. Rep. No. 904, 86th Cong., 1st Sess., at 2.

1960—The first edition of American Law of Mining (which is written primarily by attorneys for the mining industry) states: ''A mill site may, if necessary for the claimant's mining or milling purposes, consist of more than one tract of land, provided that it does not exceed five acres in the aggregate.'' 1 Am. L. Mining §5.35 (1960).

1968—The American Mining Congress (the leading trade association for the mining industry) presents the following argument for mining law reform to the Public Land Law Review Commission:

''When the mining laws were enacted in 1872, provision was made for the acquisition of five-acre millsites to be used for plant facilities on mining claims. The typical mine then was a high-grade lode or vein deposit from which ores were removed by underground mining. The surface plant was usually relatively small, and acquisition of five-acre millsites in addition to the surface of mining clams . . . adequately served the needs of the mines. . . .

''Today, the situation is frequently different. . . . A mine having 500 acres of mining claims may, for example, require 5000 acres for surface plant facilities and waste disposal areas. It is obvious that such activities may not be acquired through five-acre millsites.''—American Mining Congress, The Mining Law and Public Lands, at 29 January 11, 1968).

1970—An analysis of the Mining Law prepared for the Public Land Law Review Commission by Twitty, Sievwright & Mills (a Phoenix, Ariz. law firm that represents the mining industry) closely tracked the argument by the American Mining Congress two years earlier:

''*When the mining laws were enacted in 1872, provision was made for the acquisition of five-acre mill sites to be used for mining or milling purposes.* The typical mine then was a high-grade lode or vein deposit from which ore was removed by underground mining. The surface plant was usually relatively small, and the surface of the mining claims together with the incident mill sites adequately served the needs of the mines for plant facilities and waste disposal areas.

''Today, the situation is frequently different. The high-grade underground mines have, for the most part, been mined out. Open pit rather than underground mining is, with increasing frequency, the most economical way to mine the low-grade deposits which now comprise a major portion of the reserves of many minerals. The mining industry now relies on mechanization, the handling of large tonnages of overburden and ores and the utilization of large surface plants in order to keep costs down so that these low-grade deposits may be mined and treated at a profit. Such mining operations require not only substantial areas for plant facilities, but much larger ares than formerly for the disposal of overburden and mill tailings. *The surface areas of mining claims and mill sites are no longer adequate for such purposes.* * * *

''If a mineral deposit is partially or entirely surrounded by the public domain, the acquisition of adjacent nonmineral land from the United States for necessary facilities is now frequently extremely difficult because *the laws do not provide a satisfactory way to make these acquisitions. Small areas may be acquired as mill sites,* and in certain instances, if the lands meet the statutory requirement as isolated or disconnected tracts, larger acreages may be acquired at public auction. *Mining companies planning large mining operations have been obliged to meet their needs for nonmineral lands by obtaining the necessary lands by other means.*''

Twitty, Sievwright & Mills, ''Nonfuel Mineral Resources of the Public Lands; A Study Prepared for the Public Land Law Review Commission,'' (Dec. 1970), at vol. 3, pp. 1047–48 (emphasis added).

The Twitty, Sievwright study also states: ''Under the first clause of subsection (a) of [30 U.S.C. §42], *each lode claimant is allowed, in addition to his lode claim, five acres of land to be used for mining or milling purposes.*'' *Id.* at vol. 2, p. 323.

1974—the Interior Board of Land Appeals rules in *United States* v. *Swanson,* 14 IBLA 158, 173–74, that:

[A millsite] claimant is entitled to receive only that amount of land needed for his mining and milling operations, and this amount can embrace a tract of less than five acres. The statute states that the location shall not ''exceed five acres.'' . . . The reference to five acres in the statute is clearly a ceiling measure, not an absolute, automatic grant.''

1977—Salt Lake City mining attorneys Clayton J. Parr and Dale A. Kimball write that ''Theoretically, one five-acre millsite can be acquired for each valid mining claim.'' Parr & Kimball, ''Acquisition of Non-Mineral Land for Mine Related Purposes,'' *23 Rocky Mtn. Min. L. Inst.* 595, 641–42 (1977).

1979—In an analysis of federal mining law, the Congressional Office of Technology Assessment states:

''[I]t is highly doubtful that [millsites] could satisfy all the demands for surface space.There could be at most as many millsites as there are mining claims, and each milliste would be at most one-fourth the size of the typical 20-acre claim, so that the millsites, in the aggregate, would be one-fourth the size of the ore body encompassed by the claims.''

Office of Technology Assessment, *Management of Fuel and Nonfuel Minerals in Federal Land,* at 127 (April 1979).

1984—In the second edition of *American Law of Mining,* Patrick J. Garver of the Salt Lake City law firm Parsons, Behle & Latimer (Mr. Garver is now executive vice-president of Barrick Gold Corp.) writes: ''Uncertainty also surrounds the issue of the amount of land that may be used by millsite claimants.'' 4 *Am. L. Mining,* §110.03[4] (2d ed. 1984).

1984—Salt Lake City mining attorneys Clayton J. Parr and Robert G. Holt write in the second edition of *American Law of Mining:* ''Because of the relatively uncertain tenure of mill site claims, few miners choose mill sites as a location for permanent mining support facilities.'' 4 *Am L. Mining* §110.03[1].

1987—In the revised second edition of *American Law of Mining,* Phoenix mining attorneys Jerry L. Haggard and Daniel L. Muchow write:

''The acquisition of federal lands or interests therein by means other than the locating of mining claims or mill sites is sometimes necessary to provide the additional ground needed for a planned mining operation. The restraints on the number and sizes of mill site claims can limit their usefulness as a land acquisition method.''—4 *Am. L. Mining,* §111.01 (2d ed. rev. 1987).

1997—Solicitor of the Department of the Interior John D. Leshy issues opinion titled ''Limitations on Patenting Millsites Under the Mining Law of 1872.''

Mr. DURBIN. I thank the Chair.

I have quoted the specific words from the mining law of 1872. I can tell Senators that year after year, the 5-acre limitation was restated. There is nothing new about it. In 1872, again, the General Land Office refers to the law expressly limiting mill site locations made from and after its passage to 5 acres.

Twelve years later, in 1884, Secretary of the Interior J.B. Hoggin provided that the aggregate for lode claims is not more than 5 acres. In 1891, similar references; 1903, the same reference is made by the Acting Secretary of the Interior; the area of such additional tract is, by the terms of the statute, restricted to 5 acres. He goes on. In 1914, a treatise on mining by a gentleman named Curtis Lindley:

Lode proprietors may select one tract per mill site if the aggregate does not exceed 5 acres.

In 1955, Denver mining attorney John Shireman writes in the First Annual Rocky Mountain Mineral Law Institute:

Each lode claim is entitled to 1 mill site for use in connection therewith.

In 1960, Congress amended the mining law to allow location of mill sites in connection with placer claims. In its report on the bill, the Senate Interior Committee explained that it modified the language of the bill ''so as to impose a limit of one 5-acre mill site in any individual case, preventing the location of a series of 5-acre mill sites.''

The references go on and on. The American Mining Congress has acknowledged the 5-acre limitation, and of course the branches of government have done the same.

What is in dispute here is, in the minds of a few Senators and the mining industry, the mining process has changed. They want to be able to use more acreage to dump what is left over from this mining process.

It is interesting that the mining industry is so confident that a court would hold up the 5-acre limitation that they have not in any way tested the solicitor's decision in court. They would rather find their friends here in the Senate. That opinion was issued by the solicitor almost 2 years ago.

You will hear a lot of comment—I have heard it in committee—that what Mr. Leshy did in this situation was unfair, illegal, and we are going to stop this bureaucrat from overreaching.

The obvious question is, If it is so unfair and illegal on its face, why didn't the mining industry go to court? They didn't go to court. They went to Congress because they know that their interpretation, their opposition to Mr. Leshy, can't stand up in court.

The Craig rider and now the Reid amendment will allow more dumping of toxic mining waste on public lands and undermine efforts to reform the last American dinosaur, the 1872 mining law.

What can we find in this mined waste? Lead, arsenic, cadmium, in addition to heavy metals. Because of irresponsible mining practices and poor regulation, the mining industry has left behind a legacy of 557,000 abandoned mines in 32 different States. The cost of cleaning up these sites is estimated to be between $32 billion and $72 billion. According to the U.S. Bureau of Mines, mining has contaminated more than 12,000 miles of rivers and streams and 180,000 acres of lakes in the United States.

Let me speak for a moment about the environmental damage. For those who say this is an industry which, frankly, may not cause environmental damage, I hope they will listen closely to what I am about to say: 16,000 abandoned hard rock mine sites have surface and ground water contamination problems that seriously degrade the water around them—16,000 of them. Over 60 of these abandoned hard rock mines pose such severe threats to public health and safety that the EPA has listed them as Superfund priority sites.

There are two or three things that I found incredible that I want to share and make a part of the RECORD.

Each year the mining industry creates nine times more waste than all of the municipal solid waste generated and discarded by all of the cities in the United States of America. In 1987, mines in the United States dumped 1.7 billion tons of solid waste onto our land while the total municipal solid waste from all cities in America totaled 180 million tons.

The second point—and this is hard to believe—each year the hard rock mining industry generates approximately

the same amount of hazardous waste as all other U.S. industries combined—one industry, hard rock mining, generating the same amount of hazardous waste as all other U.S. industries combined. You would think when you listen to the arguments from those who would make this dumping unlimited that this is somehow a passive thing, that it is no threat to the environment.

According to the EPA, the U.S. hard rock mining industry generated approximately 61 million tons of hazardous waste in 1985 compared to 61 million metric tons for all other American industries. And what the Craig and Reid amendment says is, for this dangerous waste, we will now give to the mining companies an unlimited landscape of taxpayer-owned land to dump it.

Although the mining industry claims that modern mines employ state-of-the-art technology that prevents contamination, it is not consistently used or managed properly. Some have said our references to contamination are ancient. In 1995, reporting to Congress on mine waste, the EPA stated not only had past mining activities created a major waste problem, but some of the very waste practices that contributed to these problems were still being used by the mining industry.

What kind of mining pollution? Acid mine drainage generated when rock which contains sulfide minerals reacts with water and oxygen to create sulfuric acid. Iron pyrite, fool's gold, is the most common rock type that reacts to form acid mine drainage. Acid leached from the rock severely degrades water quality, killing aquatic life and making water virtually unusable.

Second, heavy metal contamination is caused when metals such as arsenic, cobalt, copper, cadmium, lead, silver, or zinc contained in excavated rock or exposed in an underground mine come in contact with water. Heavy metals, even in trace amounts, can be toxic to humans and wildlife. When consumed, the metals can bio-accumulate.

Processing chemical pollution occurs when chemical agents used by mining companies to separate the target mineral from the ore—cyanide, sulfuric acid, or liquid metal mercury—spill, leak, or leach from the mine site into nearby waters. These chemicals can be highly toxic to humans and wildlife.

The purpose of the amendment before us now is to expand the opportunity for dumping this kind of waste on public land, creating the opportunities for more environmental disasters and hazards to wildlife and humans as well.

A teaspoon of 2 percent cyanide solution can be lethal to humans; over 200 million pounds of cyanide is used in U.S. mining each year.

I have a lengthy list of examples here.

Gilt Edge Gold and Silver Mine, South Dakota: Shortly after opening in 1988, the Gild Edge gold and silver mine cyanide leaked into the groundwater and nearby streams as a result of torn containment liners, poor mine design, and sloppy management practices. Beginning in 1992 the mine began generating acid mine drainage. As a result of acid drainage from Gilt Edge waste piles, pH measurements in nearby steams in 1994 and 1995 were as low as 2.1 (battery acid has a pH of approximately 1; pure water has a pH of approximately 7.0). Due to pollution from the Gilt Edge Mine, area streams are unable to support viable populations of fish and bottom dwelling invertebrates

Summitville Gold Mine, Colorado: In 1986 Canadian based Galactic Resources opened the Summitville Gold Mine in Colorado. The company characterized the mine as a ''state-of-the-art'' cyanide heap leach gold mine. Immediately after gold production began, the protective lining under the massive heap of ore being treated with a cyanide solution tore, allowing cyanide to leak into the surface and groundwater. The cyanide, acid, and metal pollution from the mine contaminated 17 miles of the Alamosa River. Galactic declared bankruptcy and abandoned the site in 1992. The State of Colorado which had provide scant regulation of the mine asked the Environmental Protection Agency to take over the site under the Superfund program. As of 1996 taxpayers had spent over $100 million to clean up the site.

Iron Mountain, California: Until production was halted in 1963, the Iron Mountain mine produced a wealth of iron, silver, gold, copper and zinc. It also left a mountain of chemically-reactive ore and waste rock that continues to leach enormous amounts of acid and heavy metals pollution into nearby streams and the Sacramento River.

Despite expensive efforts to reduce pollution—Iron Mountain is now on the Superfund National Priority List—enormous amounts of contaminants continue to wash off the site. Each day Iron Mountain discharges huge quantities of heavy metals including 425 pounds of copper, 1,466 pounds of zinc, and 10 pounds of cadmium. Acid waters draining from the site have decimated streams, where the acidity in the water has been measured as low as minus 3 on the pH scale—10,000 times more acidic than battery acid. Streams downstream from the mine are nearly devoid of life. Experts have estimated that at present pollution rates the Iron Mountain site can be expected to leach acid for at least 3,000 years before the pollution source is exhausted.

Oronogo Duenweg Superfund Site, Missouri: Drinking wells near this sprawling complex of lead and zinc mines in Southwestern Missouri have been contaminated by past mining activities.

Chino Copper Mine, New Mexico: The mine has been plagued by spills, leaks and discharges of contaminated mine waste material. Much of the pollution has spilled into Whitewater Creek which runs through densely populated communities. In several incidents in 1987, the mine spilled more than 327,000 gallons of mine wastewater off the site. In 1988 another spill discharged more than 180 million gallons of mine wastewater. More than 90,000 gallons of wastewater were spilled in 1990, and another 120,000 gallons were spilled in 1992.

Brewer Gold Mine, South Carolina: Nearly 11,000 fish were killed in 1990 when heavy rains cause a containment pond to breach, dumping more than 10,000 million gallons of cyanide-laden water into the Lynches River.

DeLamar Mine, Idaho: The DeLalmar silver and gold mine in Idaho has repeatedly dumped heavy metal laced wastewater into nearby streams. Migratory waterfowl have been poisoned by cyanide from its ponds.

Stibnite Mine, Idaho: The Stibnite gold mine has leaked cyanide into nearby groundwater and the East Fork of the Salmon River, an important salmon spawning run.

Ray Mine, Arizona: The Ray Mine was polluted nearby groundwater with toxic levels of copper and Beryllium. In 1990, rainwater washed more than 324,000 gallons of copper-sulfite contaminated wastewater from the mine into the Gila River.

Mr. President, what we are doing today—and I am supporting the amendment of the Senator from Washington, Mrs. MURRAY—is asking the mining industry to take responsibility for their actions, to follow the law as it is clearly written, which limits to 5 acres the mill site, or dump site, they can use for their mining activities. Some of the pictures here—I am sure the Senator from Nevada and others think this picture, as graphic as it is, is ancient. I don't know. There is no date on it, and I won't represent that it is a modern scene, but it shows what unregulated mining has led to. It is a clear indication of a stream that is still in danger because of the pollution from the mining activities.

Modern mining techniques are represented in these photographs, and although they are hard for those following the debate to see, they suggest that when we get into hard-rock mining, we are talking about literally hundreds, if not thousands, of acres that become part of the dump site of this activity. A mining operation, after it has derived the valuable minerals from this Federal public land owned by taxpayers, got out of town and left this behind. So for generations to come, if they fly over, they will look down and say: I wonder who made that mess.

That is as good as it gets under the 1872 mining law. That is a sad commentary. Those who support the Craig-Reid amendment would like us to expand the possibility that these dump sites near the mines would basically be unlimited. They could go on for miles and miles, and we, as taxpayers, would inherit this headache in years to come. There is clearly a need for comprehensive mining reform.

About $4 billion worth of hard-rock minerals—gold, copper, silver, and others—are taken annually from public lands by mining companies without a penny paid to the U.S. taxpayer in royalties—not one cent. That is $4 billion each year out of our land, and not a penny is paid back to the taxpayers.

What would you think about it if your next-door neighbor knocked on the door and said he would like to cut down the trees in your back yard, incidentally, and said he will give you $2.50, and I am sure that is no problem. Of course, it is a problem. It is our property. On that property are treasures of value to us. We are talking about public lands that are our property as American citizens. Those who live in some States believe that that land belongs to them, for whatever they want to use it for. Some of us, as part of the United States of America—''E. Pluribus Unum,'' as it says above the chair of the Presiding Officer, ''of many one''—believe that as one Nation we have an interest in this public land,

an interest that goes beyond giving somebody an opportunity to profit and leave a shameful environmental legacy.

Since 1872, there has been more than $240 billion of taxpayer subsidies to the mining industry.

In 1993, the Stillwater Mining Company paid $5 an acre for 2,000 acres of national forest lands containing minerals with an estimated value of $35 billion. I will repeat that. They gave us, as taxpayers, $10,000 for access to $35 billion worth of minerals. Pretty sweet deal for the mining company. Not for the taxpayers.

In 1994, American Barrick Corporation gained title to approximately a thousand acres of public land in Nevada that contained over $10 billion in recoverable gold reserves. Now, for access to $10 billion on Federal public lands, America's lands, how much did they pay? Five thousand one-hundred and forty dollars. A pretty sweet deal.

In 1995, a Danish mining company—not an American company—successfully patented public lands in Idaho containing over $1 billion worth of minerals, and this Danish company paid the American treasury $275—for $1 billion in minerals.

Due to irresponsible mining practices and poor regulation, the mining industry has left behind a legacy of 557,000 hard-rock abandoned mines in 32 States. As the Senator from Washington said earlier, the estimated cost of cleanup is $32 billion to $72 billion.

If this amendment passes that is being pushed on us today, it means there will be more land to be cleaned up. The estimate of $32 billion to $72 billion will grow as the profits are taken out of America's public lands.

There is one case I would like to tell you about: the Zortman-Landuski Mine. The Pegasus Gold Corporation operated these mines for years using Federal and private lands for mining and waste dumping, accumulating numerous citations for water quality violations. In January of 1998, Pegasus Gold Corporation filed for bankruptcy. The mines are now in the hands of a court-appointed judge. But the story gets better. Cost estimates for reclamation of these lands range from $9 million to $120 million. In other words, if we want to clean up the mess they left behind, it will cost taxpayers $9 million to $120 million.

Keep in mind, the amendment before us wants to expand the opportunity to leave that waste behind. More bills for future taxpayers to pay.

I know you are going to like this part. There are questions about whether the mine's reclamation bonds will be sufficient to pay for the cleanup. Here is where it gets good. In the meantime, Pegasus Gold Corporation has petitioned the bankruptcy court to provide $5 million in golden parachutes for departing executives. The same executives who left this trail of contamination now want to take out of the bankrupt corporation $5 million in golden parachutes because they have done such a fine job for the shareholders. They certainly didn't do a fine job for the taxpayers. They didn't do a fine job when it came to the environment.

If this amendment in the Interior Appropriation bill passes, it is an invitation for more greed and more environmental disasters. The mining industry has to accept the responsibility to come to Washington, deal across the table in a fair manner and in good faith to revise this law so they can pay royalties to the taxpayers for what they draw from this land. Instead, what they have done is try to force-feed through the Interior Appropriations bill a change in the law that will say that the number of acres used for disposal of waste and tailings is unlimited—unlimited.

So we will see further environmental disasters which undoubtedly will occur as a result of it.

The Senator from Washington started with the right amendment, an amendment which recognizes our obligation to future generations. It is not enough to make a fast buck or even to create a job today and leave behind a legacy for which future generations will have to pay. We don't accept that in virtually anything. Businesses across America understand that they have an obligation to not only make a profit, to not only employ those who work there, but to also clean up the mess and not contaminate the environment.

We have said that in a civilized nation it is too high a price to pay for those who just want to glean profits and to leave behind pollution of our air and water and other natural resources. For some reason, many people in the mining industry haven't received that message. They believe they can take the minerals from public lands and leave the environmental contamination behind.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I yield for a question.

Mr. REID. I said in my statement that since I have been here, the 1872 mining law hasn't changed. I meant it had not changed in its entirety. The fact is that we in the Senate and in the House changed the 1872 mining law. It was changed in significant ways, such as passage of the moratorium on patents and a number of things. I didn't want the Senator to think the law hasn't been changed.

I ask my friend from Illinois, what does he think the mining companies should do? Does he think there should be mining to some degree? Can he tell me? I would be happy to translate the message to them. What more does the Senator think can be done than they have done in the past few years?

Let me tell the Senator what they have done. They met with us when we were in the majority. They met with us when we were in the minority. They met with the other side of the aisle when they were in the minority and in the majority. They have agreed to bills. They have agreed to pay royalties.

I say to my friend, what more can they do? They want to be good citizens. They help with things. I can only speak for the State of Nevada. I think around the country they are good corporate citizens. They help with the schools. They pay their taxes. What more should they do?

Mr. DURBIN. I say in response to the Senator from Nevada that I think there is a good starting point. It is existing law that has been there for a long time. They should look at the current law as it applies to those who would mine coal on Federal public lands. If they would follow the standards that apply to the mining of coal, here is the difference. We would have approval by the BLM through a leasing process for the selection of mining sites.

Mr. REID. Could I say to my friend that we have that now?

Mr. DURBIN. What we have now is self-initiation and location under the mining law of 1872 with no BLM approval required.

Mr. REID. That simply isn't true. In fact, I say to my friend from Illinois, the cost of patenting a claim is in the multimillions of dollars now. It is not easy to get through the process that has been set up.

Mr. DURBIN. I say to the Senator that I stand by my remarks. We could certainly resolve this later when we look more closely at the law.

The second thing I would suggest is they pay a royalty. I think it is an outrage that they would pay $2.50 or $5 an acre and not pay a royalty to the taxpayers when they take millions, if not billions, of dollars worth of recoverable minerals out of our federally owned public lands.

Mr. REID. I say to my friend that there is general agreement. The mining companies agree. Eight years ago, we went to conference and agreed to change the amount they paid when a patent is issued.

I also say to my friend that the mining companies signed off on a royalty. That was something initiated here. I have to ask someone here. It passed. I can't tell you that it passed. But it was on the Senate floor that a royalty was agreed to.

I say to my friend that I hope this is the beginning of a dialogue where we can really get something done. There is nobody that I have more respect for than the Senator from Arkansas, who was the spokesperson against mining companies for all the years I was here—the greatest respect in the world. But I say to my friend that he wanted all or nothing, and we kept getting nothing.

I hope my friends will allow us to improve something. We have made very small improvements. I say to my friend that those of us who support mining and the mining companies want changes. They know it doesn't look good, from a public relations standpoint, for them to pay $2.50 or $5 for a

piece of land. They know that. But there was something that passed the Senate which allowed the payment of fair market value. That was turned down in conference.

I say to my friend that I know how sincerely he believes in this. I will give him the line and verse. In fact, the Forest Service handbook talks about this very thing. In effect, the solicitor's opinion overruled their own handbook. I hope this will lead to improvement of the law. We all recognize it needs changing. I am willing to work with the Senator in that regard.

Mr. DURBIN. I thank the Senator from Nevada.

Mr. REID. I thank the Senator for allowing me to interrupt. I appreciate it very much.

Mr. DURBIN. I thank the Senator from Nevada, because I believe the statements he made are in good faith and reflect where we should be. We should be sitting down and rewriting this law that is 127 years old instead of having other environmental riders in an Interior appropriations bill. We should be looking to the royalty question, which is a legitimate question that every taxpayer should be interested in instead of saying we are going to take the limitation of the acreage used by mining companies that dump their waste.

I think that is a legitimate concern. Maybe 5 acres isn't enough. But I also think it wouldn't be unreasonable to say to the mining companies: If we give you additional acres for mill sites, we will also require you to reclaim the land so that you can't leave the mess behind.

That is part of the law when it comes to coal mining on Federal public lands. Why shouldn't it be the case when it comes to hard-rock mining?

How can they step away from this mess and say: Frankly, future generations will have to worry about it, and we will not. Mandatory bonding, detailed permitting reclamation, mandated inspections—things that are part of the law when it comes to mining coal—should be part of the law when it comes to hardrock mining.

I reject the idea that we will come in with this bill and make amendments friendly to the mining industry but not hold them to any new standard when it comes to reclamation or royalties. I think the taxpayers deserve better. I think the environment deserves better.

That is what is necessary in this debate. We have seen it, first, on the emergency appropriations bill, where a similar provision was put forward for one mining operation in the State of Washington. Now, if this amendment goes through, we have literally opened the door for mining operations across the United States to literally use as much acreage as they want for their mill sites.

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

Mr. DURBIN. I would be happy to yield.

Mr. BURNS. I ask my good friend from Illinois, what environmental law? What environmental law are we talking about here?

Mr. DURBIN. We are talking about the 1872 Mining Act.

Mr. BURNS. That is not an environmental law.

Mr. DURBIN. I would suggest to the Senator that it has an impact on the environment.

Mr. BURNS. What environmental law are we talking about here?

Mr. DURBIN. I have responded to the Senator. If he has another question, I will be happy to answer it.

Mr. BURNS. What environmental law? Is it the Clean Water Act? Is it the Clean Air Act? Is it the National Environmental Policy Act? Is it the National Federal Lands Management Act? What environmental law is the Senator talking about when he refers to environmental law?

Mr. DURBIN. I am talking about the 1872 Mining Act.

Mr. BURNS. I suggest to the Senator that is a land tenure law and subject to all of the environmental laws. The miners are not exempt from them.

I thank the Senator.

Mr. DURBIN. I say to the Senator from Montana, I think he knows well the environmental laws which we mentioned are not applied seriatim to all of these mining claims, and that is why we have the environmental contamination which we have today. That is one of the reasons why it is there. If we are going to have a mining law, I think we need one that talks not only about the profitability of the venture but about the environmental acceptability of this venture. That is the difficulty we run into.

I suspect that the mining industry may want to talk about more acreage for mill sites and dumping but may not be as excited about an environmental response bill. That is part of the discussion, as I see it. Sadly enough, this amendment, which has been added to the Interior appropriations bill, addresses the profit side of the picture and ignores the environmental and taxpayer side of the picture. That, to me, is shortsighted and something that should be defeated.

The fact that this was done in committee and has at least been attempted in the past is a suggestion to me that the mining industry, even with the Republican majority in the House and the Senate, really hasn't gone to the authorizing committees for the changes which have been suggested on the floor. I think they should. I think it is certainly time, after 127 years, to update this law.

In closing, if we are going to change this law and change it in a comprehensive and responsible way, let us do it through the regular authorizing process.

It is interesting to me that yesterday we had a fierce debate on the floor about rule XVI, and we said of rule XVI: We will not legislate on appropriations bills. Of course, there are always exceptions to every rule.

In this case, because there was a reference to the mining act in the bill coming over from the House, they were allowed to offer this amendment. As Members may glean from the length and breadth of this debate and its complexity, we should not be putting this environmental rider on an appropriations bill at the expense of the environment and the taxpayers.

I say to the mining industry, a legitimate industry employing many hardworking people, certainly the things which are done are important to America's economy and its future, but it is not unreasonable for Americans to think that we have a vested interest in our own public lands. Companies cannot leave behind this legacy of waste. Unlimited acreage being used for dump sites is not being held accountable.

This amendment, if it passes, will say to these mining companies: These hard rock mining companies will not be held accountable. Use as much of America's land that is needed to dump your waste after you have mined the minerals. As taxpayers, we will accept it.

For this Senator from Illinois, the Senators from Washington and California and many others, that is unacceptable.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me speak directly to the Senator from Illinois, the Senator from Massachusetts, and the Senator from Washington. I have heard statements from the Senator from Illinois that I know he means in good faith but I think are wrong. The record must be corrected in that regard. The law does not allow many of the things he has suggested might happen.

For example, tonight he suggested that the Craig-Reid amendment would allow unlimited surface land domain. That is simply not true. Let me repeat for the record, that is an inaccurate statement.

Here is what the law allows today and what the Reid-Craig amendment does: It simply reinstates the law as it exists today. The Senator from Illinois is absolutely right as to what the 1872 mining law says as to the 5 acres per claim. However, what attorneys have said who were brought before the subcommittee that I chair, while that was the law, it was based on the concept of the Comstock Lode, which was the mining activity in the State of Nevada that generated the 1872 mining law. From that time forward to today, it was viewed in the law as a minimum necessary requirement.

What the Senator from Illinois did not say, which refutes the idea that this is some kind of unlimited land surface grab, is the BLM, the administrator of claims on public land, in the

process of working with a mining company that is establishing a mining operation establishes the 5 acres and additional acres as is necessary to conduct that mining operation.

What does that mean? That does not mean unlimited acreages. It means exactly what I said it means. It means that the Bureau of Land Management develops a mining plan consistent with the mining operation all inclusively consistent with the Clean Air Act and the Clean Water Act for a mining company to effectively mine the mineral estate they have established under the mine plan and with their permit. That is not unlimited. It is our Federal Government. The BLM under the law establishes the surface domain that a mining company can have for the purpose of operations.

Is that unlimited? I repeat to the Senator from Illinois, no, it is not. It is restricted by the character of the process and by 127 years of operation. That is what it is. That is what we are attempting to reinstate.

The Senator from Illinois went on to say: Why didn't they go to the courts? Why have they come to Congress? The reason they have come to Congress is because the act of the Solicitor would be automatic and immediate. The Senator from Nevada earlier spoke to the consequence of this decision.

Mining stock in this country dropped by a substantial percentage point on the stock exchange because the Solicitor's opinion was saying if it were fully implemented both prospectively and retroactively, it would dramatically halt existing mining operations and cost mining companies that were operating under good faith, the law, and the historic practice as prescribed by the Forest Service and the BLM, by their manual, and by their current handbooks, it would have simply stopped them, and they would have waved literally hundreds of millions of dollars in the process of developing a mining plan that was environmentally accurate and environmentally sound.

I know the Senator from the State of Washington is upset because the crown jewel mine in her State was, by her own State's environment director, announced to be the best ever; that they had met all of the environmental standards; they were complying with all the Clean Air and Water Act and somehow the Solicitor stepped in and stopped the process.

The senior Senator from the State of Washington and the supplemental appropriations bill this year said it is just blatantly unfair for a company to operate in good faith under the law and under the environmental laws of our country. For the Solicitor, an appointed bureaucrat, to step in and stop them without any public process is against the very character of the law we create on this floor.

So the senior Senator from the State of Washington was right in doing what he did. At that supplemental appropriations conference, while I was trying to do exactly what the Senator from Nevada and I have just done with this amendment, we said: No, let's not do that.

I chair the Public Land Subcommittee, the mining subcommittee. Let's hold hearings on this issue. Let's see if the Solicitor is right in doing what he has done. We brought in mining authorities, lawyers who practice this law professionally full time before the committee, asking if the Solicitor was right in doing what he did. Their answer was absolutely not; 127 years of practice would argue that the Solicitor reached out in thin air and grabbed an opinion that he knew would bring the mining industry to its knees.

Why would he know it? Surely, he wouldn't do it arbitrarily or capriciously. Surely, he wouldn't do that for political purposes. Want to bet? Let me state why he did it. Let me speak to Members in Mr. Leshy's own words, words written in his own book, called ''Reforming the Mining Law: Problems and Prospects.'' This Solicitor knew exactly what he was doing. He did it for political purposes. He did not do it for the kind of benevolent, benign, environmentally sound reasons that the Senator from Illinois suggested.

The Solicitor said:

> A hoary maxim of life on Capitol Hill is that Congress acts only when there is either a crisis or a consensus.

The Solicitor at the Department of Interior attempted to establish a crisis in the mining industry with the mining law.

He went on to say:

> Currently there is no genuine crisis involving hardrock mining—

although the Senator from Illinois worked for about an hour to gin one up—

> but with a little effort crises sufficient to bring about reform might be imagined.

That is what the Solicitor said when he was a private citizen environmental advocate against mining.

So then he went on to say:

> At the extreme, it might even be appropriate for the Interior Department and the courts to consciously reach results that make the statute unworkable.

The Solicitor himself in a former life, in 1988, said: You know what we could do? We could create a crisis and make the statute unworkable, and we would force the Congress to change the law. And then all of a sudden John Leshy was no longer private citizen, environmental advocate; he was public citizen appointed Solicitor of the Department of Interior. And what did he do? He followed his own words and his own edicts. He attempted to create a crisis. And a crisis it was, and we have spoken to it already, the crisis that tumbled mining stock dramatically in the stock markets of this country.

A message went out to the mining industry: You are not only unwelcome on public lands, we are going to try to run you off from them. That is a hundreds-of-millions-of-dollars industry, with tens of thousands of employees across this country, yet the Solicitor, a nonelected public official with no public process, did this. The Solicitor's opinion was not subject to public comment or review. The Department of Interior failed to provide a forum for interested parties to express their views. The Solicitor's opinion is a change in the law that the administration made without any kind of review. It just simply said: That's the new law. And I say ''new law'' because for 127 years the Department of Interior, the BLM, and the Forest Service operated under the law that Senator REID of Nevada and I are attempting to reinstate this evening. That is what the Solicitor did.

Mr. KERRY. Mr. President, may I ask my colleague how long he will be going, just so I can plan accordingly?

Mr. CRAIG. Probably for about another 10 or 15 minutes.

Mr. KERRY. I thank my colleague.

Mr. CRAIG. The Solicitor went on to say:

> Some particularly dramatic episode that highlights the particular anachronisms of the Mining law might also encourage Congress to perform surgery on the Law.

That is what the Solicitor said, and that is what the Solicitor did.

What John Leshy failed to say is that over the years he and I have met around the country, debating, and he has wanted to change the mining law in such a dramatic way that the mining industry of this country simply could not operate.

The Senator from Illinois suggested we ought to change the law. You know, he is right. As chairman of the Public Lands Subcommittee and as chairman of the mining committee for the last 5 years, I say to the Senator from Illinois, we have tried to change the law. We even brought it to the floor once, passed it in a supplemental, and guess what happened. President Clinton vetoed a major change in the 1872 mining law. What did that law have in it? Major reclamation reform. It had within it a hard rock mining royalty that would have funded that reclamation reform so if mine industries went bankrupt, there was a public trust provided by the mining companies to do that kind of reclamation reform. But this President and his Solicitor will not allow that kind of reform to happen.

I have worked in good faith, and, I must say, the Senator from Nevada has, for the last 5 to 6 years to make significant change in the 1872 law. We recognize the need for its modernization. That is not denied here. But what you do not do is the very backdoor, unparticipatory, nonpublic effort of the kind the Solicitor did.

The Senator from Illinois talked about the degradation that happened in his State. What the Senator did not say is, it does not happen anymore. The reason it does not happen anymore, and the reason he should not use it as an example, is that there is a law that disallows it today. There is full mine reclamation on surface mining, especially in the coal industry.

So let me suggest to the Senator from Illinois, let's talk today and not 50 years ago, when he and I would both agree those kinds of practices now are unacceptable. They may have been acceptable then, but they are not acceptable now. In fact, the Senator from Illinois held up a picture. He did not quite know where it was. I will tell him where it was. It was in the State of Montana. I have been to that site. I have traveled and seen these problems. Three times we tried to get that issue in Montana cleaned up. Environmental groups stepped in and sued.

You kind of wonder if they do not want the issue instead of a resolution to the problem. We have worked progressively with them to try to reform the 1872 mining law, and in all instances they have said no. Here is why they said no. They said: We don't want you to have the right to go find the mineral if you find it in a place in which we don't want you to mine.

That is an interesting thesis because gold is, in fact, where you find it. It is not where you might like to have it for environmental reasons. What do we do with a thesis like that? We say OK, gold is where you find it, silver is where you find it, but because of our environmental ethics and standards today, you have to do it in an environmentally sound way.

That is what you have to do. You have to comply with the Clean Air Act. They did in the State of Washington. You have to comply with the Clean Water Act. They did in the State of Washington. You have to meet all the State standards—tough standards in the State of Washington. You have to meet all the Federal standards—tough standards in the State of Washington.

That is what the Crown Jewel Mine did. And yet, at the last moment, in the 12th hour, by pressure from environmental groups, Mr. Leshy came out of his closet and said: No, you can't. And the senior Senator from the State of Washington said: Wrong, Mr. Leshy. That is not the way a democracy works. That is not the way a representative republic works. If they played by the rules and they played by the law, then they must have the right to continue. That is the issue we are talking about. We are talking about dealing fairly and appropriately with the law.

Let me go ahead and talk about Mr. Leshy some more because he is being talked about tonight as the savior of the environment. Let me tell you what he is really out to do. It is not to save the environment but to destroy the mining industry. He has worked for decades with this goal in mind. What did he say in this book he wrote in 1988? What he said was:

> Bold administrative actions, like major new withdrawals, creative rulemaking or aggressive environmental enforcement, could force the hand of Congress.

Mr. Leshy is right. He forced the hand of Congress. The Senator from Washington and I discussed this briefly in the Appropriations Committee.

I do not stand tonight to impugn the integrity or the beliefs of the Senator from Illinois or the Senator from Washington or the Senator from Massachusetts. But it is important that when you say unlimited withdrawal of surface, I say it is wrong, because it is not right; that is not what the law allows. The Department of Interior does not allow that unless it is within the plan, unless it is bonded, unless it meets all the environmental standards, and it is proven to be required by the mining operation as appropriate and necessary.

Those are the laws as we deal with them today.

I suggest the Senator from Montana was absolutely right. I am talking about reforming the 1872 mining law. It is a location and a withdrawal law. It is not an environmental law. Modern mining companies must adhere to the law, and that is the Clean Air Act, and that is the Clean Water Act, the National Environmental Policy Act, and all of those that are tremendously important. That is what we debate here this evening, and that is why it is critically important that we deal with it in an upfront and necessary manner.

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

Mr. CRAIG. I will be happy to yield in a moment.

I would like to reform the 1872 mining law, and I would like the Senator from Illinois to help me. The Senator from Nevada has stood ready with me for now well over 5 years for that purpose, only to be denied it by this administration. They kept walking away from the table. They would very seldom come and sit down with us. I must tell you, I do not know why. I ultimately had to draw the conclusion that they preferred the issue over the solution because it was our effort in the State of Nevada, a very important mining State for our country, and my State of Idaho, a very important mining State, that we resolve this issue. That, of course, is why I think it is necessary.

A mining claim is a parcel of land containing precious metal in the soil or the rock. That is what a claim is.

A mill site is a plot of ground necessary to support the operations of a mine. That is what a mill site is.

Mill sites are critical to mining because, amongst many uses, they hold the rock extract, that which is brought up out of the ground from the diggings of the mine, containing milling facilities that extract valuable minerals from the ore and provide a location to house administration and equipment and repair and storage facilities.

Let me suggest a comparative to the Senator from Illinois. If I bought a half acre of ground in downtown Chicago for the purpose of building a 50-story building, and they said I could go down 50 feet and establish parking, but I could not go up any, and I was not given any air rights, then I could not build the building. I could acquire the property and I could dig down, but I could not go up.

That is exactly what the Senator is suggesting tonight, that you can gain a mining claim under the law but you cannot build a mill site because 5 acres, I think as most of us know, is a fairly limited amount of ground, and that is exactly what the Federal Government has recognized for 127 years.

As a result of that, what the Government has said is, if you meet these standards and you incorporate it in a mining plan, you can have additional acres we will permit you for that purpose. Is that unlimited? I say to the Senator from Illinois, it is not. To suggest to anybody in the BLM, including this administration's BLM, that they give carte blanche acreages of land to mining companies is, in fact, not true. That is the reality of working with the BLM. Whether it is a Republican BLM or a Democrat BLM, both administrations, all administrations, have adhered to the law. It is important that the law not be misrepresented.

I suggest to the Senator from Illinois that mining is not necessarily a clean business. Digging in the ground is not necessarily a clean business. It is not environmentally pristine. That is the character of it. There are few businesses where you disturb or disrupt the ground that are. It is how you handle them after the fact with which I think the Senator from Illinois, the Senator from Washington, the Senator from Massachusetts, and I would agree. I hope they do not want to run the mining industry out of our country. We already have substantial exodus from our country because of costs of mining based on certain standards. They all attempt to comply.

The greatest problem today is access to the land. The Senator from Illinois does not have any public land in his State, or very limited amounts. My State is 63 percent federally owned land—your land and my land. I am not suggesting that it is Idaho's lands, nor would the Senator from Nevada suggest that only Nevadans ought to determine the surface domain of the State of Nevada. We understand it is Federal land.

Nevadans and Idahoans and Americans all must gain from the value of those resources, but we also understand that they must be gained in an environmentally sound way. We have worked mightily so to build and transform a mining law for that purpose. I must tell you that the Solicitor, both as a private citizen environmental advocate and now as a public citizen Solicitor, has fought us all the way, because he wanted a law that fundamentally denied a mining company the right of discovery, location, and development unless it was phenomenally limited. Those are the issues that clearly we deal with when we are on the floor.

Let me say in closing, Mr. President—and it is very important for the Senators to hear this—we are not

changing the law. We are simply saying: Mr. Leshy, you do not have it your way until policymakers—the Senator from Illinois and the Senator from Idaho—agree on what the law ought to be. That is our job; that is not John Leshy's job. Ours will be done in a public process with public hearings and public input and not in the private office of a Solicitor down at the Department of Interior who, in the dark of night, slips out and passes a rule and the stock market crashes on mining stock.

I do not think the Senator from Illinois would like that any more than we would if we did it to major industries in his State, because he and I are policymakers and we should come to a meeting of the minds when it comes to crafting reform of the 1872 mining law. That is what I want to do. I hope that is what he wants to do.

Are we legislating on an appropriations bill? No. We are saying: Mr. Solicitor, you do not have the right to change the law. We will leave the law as it is, as the current 1999 or 1998 handbook at BLM says it is, as the current handbook down at the Forest Service says it is, and that is the handbook a mining company uses to build a mining plan, to build a mining operation. He said at the last hour: The handbook is no good even though we wrote it, even though we OK'd it, and even though that is the way we operate.

I do not think so. We now know why. Because, for goodness sake, we read his book, the book he crafted in 1988 saying: Let's create a crisis, let's bring the mining industry to its knees, and just maybe then we will get the Congress to move.

I heard John Leshy in 1988 and again in 1990, as did the Senator from Nevada. We worked mightily to change the law, and we are still working to do it. We have not been able to accomplish that. I hope we can, and we will work hard in the future to do that. But I hope my colleagues and fellow Senators will support us tonight in leaving the current law intact and not allowing this administration, or any other one, through their attorneys, to arbitrarily change a law without the public process and the public input that the Senator from Illinois and I are obligated to make, and yet tonight he defends the opposite. I do not think he wants that. I do not think any of us want a private process that will deny the right of public input.

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

Mr. CRAIG. I am happy to yield.

Mr. REID. The reason I ask the Senator to yield is, the two leaders, I am sure, are curious as to how long we are going to go with this. There are a number of people who wish to speak. I am wondering if there is any chance we can work out some kind of time agreement on this on the minority side and majority side.

Mr. CRAIG. Let me say to the Senator from Nevada, I am ready to relinquish the floor. The Senator from Massachusetts has been waiting a good long while. I will work with the Senator from Washington. It is certainly her amendment. We have second-degreed it. If we can arrive at a time agreement, I would like to do so to accommodate all who have come to speak on this issue. It is important that they have that opportunity.

At the same time, we want to finish this before the wee hours of the morning, and we want to conclude it either with a vote on the second degree, or, if that is not going to happen, if we cannot arrive at something, we will want to look at finalizing this by a tabling motion. Let me work with the Senator from Washington.

Mr. STEVENS. Before the Senator yields the floor, will he yield for a question?

Mr. CRAIG. I will be happy to yield the floor.

Mr. STEVENS. I have been listening to the debate, and it has primarily been proponents of the amendment. I am willing to have some time. We should have a time certain to vote. I hope there is going to be some accommodation for those who have been waiting for these opening speeches to end. I will be more than willing to set a time, such as 8 o'clock, to vote, provided we get some time to respond to the statements that have already been made.

Mr. CRAIG. I say to the Senator from Alaska, I am going to relinquish the floor and sit down with the Senator from Washington to see if we can work out a time agreement to accommodate the Senator's concern. I hope we can shoot for the 8 o'clock hour or somewhere near that, recognizing everyone's right.

Mr. REID. Will the Senator yield for another question?

Mr. CRAIG. Yes.

Mr. REID. I say to my friend from Idaho and to the Senator from Alaska, there has been a debate on both sides. It has not been dominated by the proponents of the underlying amendment. There has been a good discussion here.

Mr. STEVENS. Maybe I was just listening at the wrong time.

I thank the Chair.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BURNS. Mr. President, will the Senator yield so I can propound a unanimous consent request?

Mr. KERRY. I yield.

Mr. BURNS. I thank my friend from Massachusetts.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Terry L. Grindstaff, a legislative fellow in my office, during the debate of the Interior appropriations bill.

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

Mr. BURNS. I thank my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair.

Mr. President, I have listened with interest to the debate for some time now, and I listened with great interest to the Senator from Idaho. After listening to the Senator from Idaho, I really believe the fundamental confrontation here was not addressed by the Senator in his comments. He made a lot of references to the Solicitor of the Department of the Interior and to the decision that he alleges was made in the dead of night and that we should not rush forward with a sudden decision by a bureaucrat to change the how we regulate mining on public lands and the relationship between mining companies and the Bureau of Land Management and the Congress.

Let's try to deal with facts. Let's try to deal with the reality of the situation rather than obfuscating and avoiding the confrontation that has been going on in the Congress for a long period of time.

This is not something that is happening just at the whim of a bureaucrat. This is not something that is happening this year, now, suddenly for the first time. There has been a 10-year effort to try to change how we regulate mining in this country, and every time we get close to accomplishing that, some argument or another is used to try to avoid making the right choice—the choice that is part of the original law itself on which all of this is based.

That law is the Federal Land Policy and Management Act of 1976 by which the BLM published its current regulations in 1980. Those regulations are required under the law. It is the law of the land that the Secretary of the Interior must take any action necessary, by regulation or otherwise, to prevent unnecessary or undue degradation of public lands. That is the law.

The Secretary is required to take action to prevent undue or unnecessary degradation of the public lands. We have been debating in the Congress, as long as I have been here, the level of degradation that is taking place, and its impacts, as a result of the hard rock mining.

The BLM published regulations in 1980. They became effective in 1981. That was the first attempt of the BLM to try to provide some kind of effective management ever since the mining law of 1872. A review was supposed to take place 3 years later. That review never took place. But in 1989 a task force was created, and a rulemaking was begun in the Bush administration to consider amendments of the 3809 regulations. The fact is, there was a failure to enact that. Why? Specifically, to give Congress the opportunity to develop its own reform and pass it.

Contrary to what the Senator from Idaho said about secret, last-minute meetings, the fact is that in the 103rd Congress Senator Bumpers introduced

legislation. Representative NICK RAHALL of West Virginia introduced legislation, and the House passed his legislation by 316–108. One of the major concerns of those who opposed the measure was that it included an 8-percent royalty on net smelter returns, which would have, according to the arguments of some, and I suspect that includes Western Senators and Representatives, made some mines uneconomic.

So we go back to 1993 when legislation was introduced that would have instituted the very royalties that we were just heard the opponents of the Murray amendment tell us they would accept. But they fought the royalties, and they fought the bill, and the bill died.

Two less comprehensive and almost identical bills were introduced in April of 1993. In those, patents were to continue to be an option, but patent fees were going to reflect the fair market value of the surface estates. A 2-percent net value mine mouth royalty was going to be imposed. In the Senate that year, there was an industry-backed bill. That was passed by the Senate in May of 1993, but once again it was stopped dead because the House and Senate conferees could not bridge the gap between the industry-backed legislation and the environmentally-backed legislation. It died.

In the 104th Congress the Mineral Exploration and Development Act of 1995 was introduced by, again, Representative Rahall and others to overhaul the mining law. That was almost identical to the bill the House passed in the 103rd Congress.

Three mining reform bills were introduced in the Senate. One was introduced by Senator CRAIG. It was supported by the mining industry. Another was introduced by Senator Bumpers. The one introduced by Senator CRAIG more closely resembled the Rahall bill. The bill Senator Bumpers introduced was supported by most of the environmental and conservation community. And a third bill was introduced by Senators Johnston and CAMPBELL that resembled a later version of what then-Chairman Johnston incorporated into the conference debate.

But again no further action was taken. Why? Because once again the industry refused to accept some of the provisions that included to protect the land adequately, including clean up, holding sufficient bonding, do the things necessary which the Senator from Nevada has offered to do on the floor tonight. But there is a long legislative history of the opponents of the amendment refusing to do that. That is why the Bureau of Land Management has finally come to the point of saying we have to do something. And what they are doing is justified.

Since 1980, the gold mining industry in the United States has undergone a 10-fold expansion. I know it is now on facing many challenges as the world market for gold has pushed prices down, but nevertheless, it has grown substantially over the past two decades. Many of those gold mines are located on the public lands that we are suppose to be protecting. Much of this increased production comes from the fact that, as a result of new discoveries and technologies, you can mine ore of a much lower grade. Mine operations are able to move millions of tons of material and move it around the landscape to produce just ounces of gold. The new techniques use cyanide and other toxic chemicals for processing.

In short, even though I agree that we are more environmentally concern today than in years past, the fact is that today's mines have an even greater capacity to cause environmentally negative impacts. We did not hear the Senator from Idaho talk about how we are going to ensure that these mine clean up. Of course, there is an economic impact in trying to clean up a mine. But, I respectively as my colleagues that they don't come to the floor of the Senate and start complaining that suddenly a bureaucrat is coming in the dead of night to do what we have been fighting to do for 10 years in the Senate, and what I think most people understand is a huge struggle between those who want to protect the lands adequately and those who want to continue the practices that are endangering them.

The fact is—and this is a fact—this provision is simply the latest addition in a series of riders that have prevented the Clinton Administration from enforcing the 1872 mining law and reforming the sale of our Nation's mineral assets.

Coal does not get the privileges of hard rock mining. Oil and gas do not get the privileges of hard rock mining. It is absolutely extraordinary that at a time when Senators will come to the floor of the Senate and talk about giving money back, in tax cuts, to the citizens of this country, who deserve the money, that they will vote against giving them the money they deserve from the land that they own. This land belongs to the American citizens, and it is nearly being given away, without royalties, to mining companies that leave behind devastation. The are not paying their fair share, not just for cleaning it up, but also on the gold, silver and other minerals that they profit from, and that Americans own. I think it is the wrong way to legislate the priorities of our lands and the protection of them.

The Bureau of Land Management tried to update environmental protections in 1997. Respectfully, I ask that my colleagues not come to the floor and tell us that this all of this happened in the dead of night or some secret effort. The Clinton Administration tried to enact some reforms in 1997, and they were blocked by a rider on an appropriations bill. It was stopped again by a rider in the 1998 Interior appropriations bill that prohibited them from issuing proposed rules until the Western Governors were consulted and, then, until after November of 1998.

Here we are in July of 1999. The BLM satisfied the requirements of that rider of 1998.

They then resumed the rulemaking process. It wasn't in the dead of night. It wasn't a surprise. The Clinton Administration, again, took up the rulemaking after they had been required to consult with the western Governors. The BLM satisfied that. But then they were stopped again by a rider in the fiscal year 1999 omnibus appropriations bill calling for a study by the National Academy of Sciences and delaying the rules at least until July, which is where we are right now. However, not even that was enough. In February of this year, the BLM issued proposed rules, and it entered a public comment period, not the dead of night, not some surprise effort by the rulemakers. They were proceeding according to how Congress had told them to proceed. And then another rider was inserted into the year 2000 supplemental appropriations bill so that we could further delay the rulemaking process.

Now we are considering a fourth rider, the fourth rider for the mining industry since 1997 in the fiscal year 2000 Interior appropriations.

While these riders are slightly different legislatively, they have all protected a flawed system that continues to allow us to sell an acre of land for as little as $2.50; $2.50 for an acre of land to go in and mine thousands of dollars of worth minerals and possibly cause excessive environmental damage, certainly alter the landscape in a dramatic way.

I am as strong an admirer of the Senator from Nevada as anybody in the Senate. He is a friend, a good friend. He is representing his State and he has to. He has 13,000 miners there. But one has to wonder about the cost of reclaiming the land and who will pay it. At some point we may find cheaper for the United States of America to pay those miners not to mine than to pay for the kind of environmental damage that has been presented here today by the Senators from Washington and Illinois. Rivers have been ruined, the toxics spilled into the environment. What is it, $32 billion to $72 billion is the estimated cost of cleaning up chemicals that have been released in these operations and other environmental damage to drinking water and water systems. It is cheaper to tell them not to do it than to continue to do this.

What are we doing? Well, we have a law, the 1872 Mining Law, that restricts each mine claim of up to 20 acres to a mill site of 5 acres to dump waste and process material.

In his decision, the Solicitor did not amend, he did not reinterpret the law. Even the mining industry has agreed that the 5-acre mill site limit is the law, I point to an article from 1970 when a law firm representing the industry openly concede that point. They may argue a different case now, but before this opportunity presented itself,

the mining industry agreed. All the Solicitor did was recommend that the BLM start enforcing this provision again. That is all. Enforce the provision.

Mr. REID. Will my friend yield for a parliamentary inquiry?

Mr. KERRY. I will for the purpose of a parliamentary inquiry.

Mr. REID. I say to my friend, we have talked, and we would like to vote at 7:35 or 7:40. What we are going to do is divide the time between now and then between the proponents and the opponents of this particular amendment. There will be, near that time, a motion to table that will be initiated. Could the Senator indicate about how much longer he wishes to speak?

Mr. KERRY. Mr. President, I can't. I want to speak my mind on this issue. Although I am one of the original cosponsors, I can't speak for the lead sponsor. I don't know if there are other Senators on our side who would like to speak. You have the right to table.

Mr. REID. We know the Senator from Washington wishes to. We want to try to be fair.

Mr. KERRY. I don't imagine I will go more than 10 minutes or so. I don't know what the Senator from Washington needs.

Mr. REID. We could go until 7:40, which leaves 35 minutes.

Mrs. MURRAY. Mr. President, I believe the Senator from Massachusetts has the floor, but if I may clarify, is the Senator asking to divide the time equally between now and 7:40?

Mr. REID. Yes.

Mrs. MURRAY. I will not object to that.

Mr. REID. Divided equally. I ask unanimous consent, Mr. President.

Mr. STEVENS. Just a minute. I don't understand the division of time.

Mr. KERRY. Mr. President, reserving my right to reclaim the floor.

Mr. REID. The Senator has the floor. I say to my friend from Alaska, we would divide the next 35 minutes between the proponents and opponents. There would be equal time. I checked with the other Senator from Alaska and he thinks that is okay.

The PRESIDING OFFICER (Mr. ALLARD). Is there objection? Without objection, it is so ordered. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair.

The BLM is simply seeking to enforce the existing law once again. No reinterpretation, no change. This is not a far reach. This is existing law, which, as I say, very clearly in 1970 and in other times has been acknowledged as the law even by the mining industry itself.

It was likely under pressure from the mining industry in the 1960s and 1970s that the Federal Government started to overlook the provision and permitted mining operations to use more than the single 5-acre mill site. What we are saying is that was a mistake of enormous environmental and fiscal consequences.

The BLM ought to enforce the law. It is one of the few protections that we have.

Let me try to share with colleagues what the consequences of the current law are, why it needs reform and why it should be enforced. According to an editorial in the USA Today newspaper, in 1994, a Canadian company called American Barrick Resources purchased 2,000 acres of public land in Nevada that contained $10 billion in gold. How much do you think they paid for the 2,000 acres and the $10 billion of gold? They paid $10,000.

Every time in the last few years that we have tried to have a fair meeting of the minds on the subject of what is an appropriate royalty or what is an appropriate bonding, it hasn't worked. It is public land. There ought to be requirements, more than we have now, for a mining company that wants to mine public land, take out billions of dollars of gold, and pay the taxpayers only $10,000. They don't say to you: We are going to degrade the land, damage rivers and leave the place unusable for other purposes.

If they said that, do you think anybody in the Senate would stand up and vote for it up front? No. But you are voting for it. That is the effect of what happens here, unless we turn around and say, no, we are going to enforce the law.

I understand the economics of this, but one of the problems we have across the board nationally and globally is that we don't value the environmental impact on the cost of goods. Nobody wants to be responsible for doing that, for incorporating in the cost of a product the cost reducing our national resources. So we keep doing things that actually cost us an awful lot more, but it is never reflected in the cost of the product. But we pay for it; the American taxpayer pays for it.

The environmental toll is high. Over 12,000 miles of streams have been destroyed, according to the Mineral Policy Center, which is group expert in the impacts of mining. I don't understand how we can risk, especially in the West where water availability is a problem, polluting our watersheds this way. We have one major, enormous reservoir for water for the United States under most of the mid-central section of the nation. We are increasingly depleting that reservoir of water. And we are currently, mainly through agriculture, using that water at a rate exceeding its resupply. We can't afford to destroy 12,000 miles of streams.

What is the economic value of those streams? Has anybody calculated that?

Has anybody calculated the economic value in the cost of lost drinking water because of chemical that contaminated it? This is a matter of common sense, and we are not exhibiting that kind of common sense as we approach it. The fact is that there are almost 300,000 acres of land owned by the citizens of the United States of America, public land that has been mined and left unreclaimed. Abandoned mines account for 59 Superfund sites. There are over 2,000 abandoned mines in our national parks. The Mineral Policy Center estimates the cleanup cost for abandoned mines, as we mentioned earlier, is at the high end, $72 billion, and at the low end, $32 billion.

Will the Senators from the West come forward with that $32 billion? Where is the offer by those who want to continue these practices and run that bill up even higher to pay the bill? Is there an offer to pay the bill?

I think the Senate ought to put an end to this process, to protecting a flawed policy, by supporting the Murray amendment, by opposing rider or provision of Senator CRAIG and Senator REID. I will, if for no other reason so I can simply represent the taxpayers in good conscience. The costs of continuing this program are far greater than the costs of enforcing the law and doing what is required. The Senator from Nevada asked, a moment ago, of the Senator from Illinois: What would you like us to do? He said: What do you think the mining companies ought to do?

Let me respectfully share with you what the Bureau of Land Management wants them to do, which the mining companies and these constant riders are blocking us from doing. Here it is very simply: Protect water quality from impacts caused by the use of cyanide leaching, thereby safeguarding human environmental health in the arid West. Second, protect wetlands in riparian areas, which provide essential wildlife habitat in arid regions, as well as promoting long-term environmental health, and sharply limit or eliminate any loopholes to the requirement to get advance approval of mining and reclamation plans.

Moreover, there are significant things that could be done. Require financial guarantees for all hard rock mining operations; base the financial guarantee amount on the estimated reclamation costs; require the miner to establish a trust fund to pay for long-term water treatment, if necessary. Is that asking too much? If you come in and use the land and you degrade the water, shouldn't you be required to provide water treatment in order to protect the water?

Is it asking too much that you should post a bond in order to guarantee that once you strip the mine of all of its economic value and have taken out billions of dollars and walked away with your profits, that you should have some requirement for reclamation, and that there is a sufficient bonding from those profits. Even if you don't pay royalties, shouldn't you pay to guarantee the land is going to be cleaned up?

So they ask what should we be able to do. The things they should do are clear as a bell, and they have been blocked. Blocked for the 10 years that I have watched this being fought here. I watched Senator Bumpers from Arkansas pace up and down there with

these arguments year in and year out. And year in and year out, unfortunately, the industry works its will against the better common sense of true conservationists, against the better common sense of those whom I believe care deeply about the land.

It is incredible to me that we of good conscience can't find adequate language and compromise to protect this land, to be able to do this properly. We require more of coal miners, and we require more of oil and gas than we do of hard rock mining, and it is public land.

So I say to my colleagues we have an opportunity to do what we have been trying to do as a matter of common sense, which is enforce the law of the land. That is all we are asking—enforce the current law of the land as it was before, as it should have been, and as it must be now, in order to adequately protect the interest of the citizens.

I reserve the remainder of our time.

Mr. STEVENS. Mr. President, may I have 8 minutes?

Mr. GORTON. I yield 8 minutes to the Senator.

Mr. STEVENS. Mr. President, I find myself in a strange position because I was Solicitor of the Interior Department. At the time, I followed the law and I interpreted the law; I did not make law. The BLM manual, in case you are interested, says specifically:

> A mill site cannot exceed 5 acres in size. There is no limit to the number of mill sites that can be held by a single claimant.

Now, that is a regulation made pursuant to the law that was in existence at the time the Solicitor rendered his opinion. He ignored that. But the main thing is, I am hearing things on the floor that amaze me. The Senator from Illinois says that, apparently, the environmental laws don't apply to mining claims. Why is it, then, that there is a requirement for mill sites? The mill sites are there primarily for the purpose of the tailings disposal of the ponds that must be built to provide protection under the Clean Water Act. Many of them are enormous in size and require several mill sites in order to have one disposal site. Those environmental laws are there to protect the public lands. But the Solicitor's opinion says you can only have up to 5 acres, which is the Catch-22. This opinion was not intended to validate the mining law. It was made to invalidate the mining law of 1872.

In my State—and, after all, my State has primarily half of the Federal lands in the United States—the mining law is working. Our State has a small mining law that is compatible in terms of requiring claims to be pursued by production of minerals to take actions to protect the lands. In Alaska, it is our fourth largest industry. The Greens Creek Mine has twice as many mill sites as does active claims under a plan filed with and approved by the Federal Government. As a matter of fact, it is mandated by the Federal Government that such lands be used for specific environmental purposes to protect the lands that are being mined and protect the waters, in particular. The Clean Water Act applies.

I am appalled—and I wish my friend from Massachusetts had stayed here—at his comments. I would like to take you to Alaska. Come up to Alaska and I will show you mining claims, and I will show you the extent to which we require them to comply with the environmental laws. As a matter of fact, we have enormous mining claims. The Kensington, Donlin Creek—they would never get off the ground if this amendment were passed.

Currently, there are 235 jobs on one mine alone. This is going to put thousands of people out of work in my State. The fourth largest industry will go out of existence if this passes, because you cannot mine in Alaska with just 5 acres to comply with the mining laws and the environmental laws.

The other thing is, I want to make sure you understand mill sites cannot be on mineral land. Under the law, they cannot be on mineral land. They are lands that are located somewhere in connection with the mining activities, and they have mining operations on them. So most of this entirely misses me. I don't understand what is going on. As a matter of fact, we have had fights over mining claims for years. My good friend from Arkansas is not with us anymore, but we had fights over mining claims. This is the first time people have attacked mill sites. The amendment of the Senator from Washington attacks mill sites under the Solicitor's opinion—a misguided opinion at that—with regard to the number of mill sites. The Forest Service manual states:

> The number of mill sites that may legally be located is based specifically on the need for mining and milling purposes irrespective of the types or number of mining claims involved.

That has been a regulation issued by the Forest Service pursuant to the mining law, and it has been valid for years. Suddenly, the Solicitor's opinion says all that is nonsense; you can only have one mill site per mining claim. I am at a loss to understand why all of this rhetoric is coming at us with regard to the sins of the past.

Why don't we talk about the tremendous destruction in the East? Why is this all about the West? As a matter of fact, as the companies from the East moved into the West, they laid the West to waste, and that is what led to the environmental laws that we have and live by. We abide by them, particularly the Clean Water Act, the Clean Air Act, and the basic Environmental Protection Act.

Every one of these mining claims must have a mining plan approved by the agency that is managing the Federal lands for the Federal Government. Those agencies approved those plans. To suddenly come in and to say there is something wrong about this, I don't understand the Senators from the East, nor do I understand the Senator from the West, raising this kind of an objection to the lands that are necessary for environmental purposes. If this mining claims decision is upheld, that decision made by the Solicitor, every mine in my State must close. Every mine must close. That is nonsense.

Senator MURRAY's amendment merely states that the Solicitor is not going to make law. If you want to bring the law in and change the law of 1872, bring in the bill. We will debate it, as we did Senator Bumpers' bills. But don't come in and try to validate a Solicitor's opinion which is erroneous, and it is not good law.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

The Senator from Washington.

Mrs. MURRAY. How much time remains on our side?

The PRESIDING OFFICER. Eight minutes 27 seconds on the Senator's side, and 10 minutes 5 seconds on the majority side.

Mrs. MURRAY. Mr. President, I yield 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Washington for her leadership on this important issue.

I have listened carefully to this debate. I will gladly acknowledge that many of the Senators, including the Senator from Alaska, have more personal knowledge of the mining industry than I do. But I believe that the environmental issues here are clear-cut issues, whether you live in the East, West, North, or South.

What we are talking about here is public land—land owned by every taxpayer. The people in a certain State with public land have no more claim to it than those in every other State. That is why this is a national issue.

Allow me, if I may, to put this in a political context. It is my understanding that this was based on a decision in 1991—I underline 1991—in a manual that was issued by the Department of the Interior, which has now become the handbook, or so-called ''manual,'' which has now become the basis of this debate. This so-called manual, or handbook, was neither a regulation nor a law. It was an interpretation which varied from interpretations which had been in existence since 1872.

For the first time since 1872, in 1991 in the closing days of the Bush administration, someone working in the Department of the Interior raised a question as to whether we would limit these mill sites to 5 acres. That limitation had not been questioned seriously at any point in the promulgation of the Surface Mining Act or in any other law until that date.

The mining industry seized that interpretation in 1991, in the closing hours of the Bush administration, and said: Now the lid is off. We can use as many acres as we want to dump next to our mining sites.

When Mr. Leshy came back in 1997 and said there is no basis in law for

that handbook decision, that is when the industry went wild, came to Capitol Hill, and said what we cannot overturn it in the courts and we want you to overturn it with riders on appropriations bills.

Those who talk about the sacred law in this handbook, let me tell you, one person in 1991, and one variation on the 5-acre limitation, and that is the basis for all of the argument that is being made by the other side.

Let me raise a second point. The Senator from Alaska, as well as the Senator from Idaho, said that the Clean Water Act applies to those who are involved in hard rock mining.

For the RECORD, I would like to make this clear. The Clean Water Act—I quote from ''Golden Dreams, Poisoned Streams'' by the Mineral Policy Center, certainly an organization which has an environmental interest in this, and I am proud to quote it as a source. If there are those who can find them wrong, make it a part of the RECORD. But I would gladly quote them as they say:

> The Clean Water Act, for instance, only partially addresses oversight surface water discharge. While the act sets limits on pollutants which can be discharged from surface waters from fixed point sources, like pipes and other outlets, it fails to directly regulate discharge to ground water, though ground water contamination is a problem at many mine sites. The Clean Water Act does not set any operational or reclamation standard for a mine to assure that sites will not continue to pollute water sources when they are abandoned.

So for those who are arguing on the side of the mining industry to come to this floor and argue that the Clean Water Act will guarantee no environmental problems, let me tell you, it does not do it.

Mr. STEVENS. Will the Senator yield for 30 seconds on our time?

Mr. DURBIN. Yes.

Mr. STEVENS. The Great Malinda Mine in southeast Alaska never opened because of the Clean Water Act. The Senator and his source could not be further wrong.

Mr. DURBIN. I say to the Senator from Alaska that I have no idea about that particular mine. But it could be that they couldn't meet the Clean Water Act test, the fixed-point source test, because if it came to ground water contamination, there is no regulation under the Clean Water Act on mining.

The PRESIDING OFFICER (Mr. ALLARD). The time of the Senator has expired.

Who yields time?

Mr. GORTON. I yield 3 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I thank the Senator from Washington State. I thank the Chair.

There are a couple of points I would like to make. I know we are winding up this debate.

No. 1, I think it is important for the public to understand that this industry faces a very dire financial situation.

In Nevada, we have witnessed in the last decade the third renaissance of mining activity. It has employed thousands and thousands of people in my State with an average salary about $49,000 a year with a full range of benefits. These are good jobs.

Because of the declining price of gold on the world market, we have lost more than 2,000 jobs in the last 6 months alone, and more are scheduled to be laid off. In part, this is because of some proposals by the British Government and the IMF gold sales. It is a separate issue for us. But we are facing a very difficult time.

The second point I would like to make is that this has been framed as an environmental issue. It is not. The full panoply of all of the environmental laws enacted since the late 1960s applies to this industry. So they are not exempt from any of these provisions.

Finally, the point needs to be made that with respect to the reclamation, or lack thereof, we are frequently invited to the specter of what happened decades ago. I don't defend that. This is a new era, and every mine application for a permit requires a reclamation process and the posting of the bond to make sure these kinds of problems do not develop.

Why are we so upset about the Solicitor's opinion? For more than a century unchallenged, the interpretation given by the Solicitor's office was never viewed as the law. In this current administration, when the Clinton administration came into office, at no time during the early years was this kind of interpretation attached.

All of those in this industry relying upon the law as it is—I agree with my colleagues who point out that the law of 1872 needs to be changed. I support those provisions. I think there should be a fair market value for the surface that is taken. There should be a royalty provision. There should be a reverter if the land is no longer used for mining purposes. I agree that there should be a reclamation process that is required. The devil has been in the details. Unfortunately, we have not been able to reach an agreement on that.

But those who have sought and applied for the permits have done so based upon the law as it is today, and the regulations and the manual passed along to us by the Bureau of Land Management say nothing about one mill site for every mining claim—not a word, not a jot, not a title.

This is a new development. It is unfair. I urge my colleagues to reject the proposal.

Mr. GORTON. How much time is available?

The PRESIDING OFFICER. The opposition has 4 minutes 13 seconds and the proponents have 6 minutes 56 seconds.

Mr. GORTON. I yield 4 minutes to the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, this is deja vu all over again, with the exception of the former Senator from Arkansas, Mr. Bumpers, who obviously led this charge before.

I have heard things on the floor of the Senate tonight that are so inaccurate that I am surprised. Some have suggested that cyanide is poured on the grounds of our mines in this country, that there are 12,000 streams that have been polluted and damaged from our mining industry—and ruined, I think was the terminology used. These are totally inaccurate, false statements.

They are rock. There is no cyanide from the mining industry leaching out in the area where mining has occurred. They are all closed systems.

These are emotional appeals based not on fact but on fiction. They are directed by misleading environmentalists who have decided the mining industry and America's can-do spirit and technology can't take resources from the ground and do it properly.

We are not talking about a mining bill. We are talking about the proposal of the Senator from Washington which would limit what the Solicitor has proposed—one site, one mill site in a mining claim.

The reality is we will shut down the industry. That is all there is to it. Companies cannot operate the industry on that kind of a land availability.

They generalize in their criticism. They talk about Superfund, the ground water contamination. There are 55,650 sites. These are sites where mining has occurred. Let's look at their record. Reclaimed or benign, 34 percent, 194,000; landscaped disturbances, the landscape retakes its ability for regeneration, 41 percent; safety hazard, 116,000, 20 percent; surface water contamination, 2.6 percent; ground water contamination, eighty-nine one-hundredths; Superfund, eighty-nine one-hundredths.

My point is this is not a crass dereliction of responsibility. This is the mining industry's history as evaluated by the U.S. Abandoned Mines. Certainly we have exceptions on past practices.

To suggest cyanide is leaching out, to suggest we have an irresponsible industry, to suggest the States are not doing their jobs—and the States obviously oversee reclamation; they oversee the mining permits—and to try to kill the industry with a proposal that is absolutely inaccurate, impractical, and unrealistic is beyond me. I don't think it deserves the time of the Senate today.

Nevertheless, that is where we are. This creates an impossible situation. If we want to run the mining industry offshore, this is the way to do it. Canada did it by a gross royalty. Mexico did it by taxing them.

What is the matter with this body? There are 58,000 U.S. jobs, good paying jobs. We need to be a resource-developed country. Otherwise, we will bring them in from South Africa.

What happened in South Africa? It speaks for itself. I hope my colleagues recognize what this does. This kills the

mining industry and exports the jobs offshore.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. Four minutes twelve seconds and three minutes on the other side.

Mrs. MURRAY. Mr. President, we are coming to the end of this debate.

Obviously, there will be a tabling motion on my amendment. We have heard a lot on both sides. The one thing we all share is the understanding that the mining industry is an important industry in this country. We understand it provides jobs in many of our communities. We want to make sure that is retained in a fair way. The mining industry did not like the position of the mining law. Instead of allowing reform of a law that was written almost 130 years ago in a give-and-take fashion, they have come sweeping into the Interior bill, and in that bill the proponents have changed that portion of the law that the mining industry does not like.

Maybe that portion of the law needs to be changed because of current technology that is out there. However, they should give something back. They already have an incredible deal. They pay $2.50 to $5 an acre for the land they use. They pay no royalties and now in this Interior bill they are allowed incredible mass use of our public lands.

We have heard a lot about the law and the BLM manual. Let me show Members what the statute says. This is the 1872 law. It is very clear. It says:

> Such nonadjacent surface ground may be embraced and included in at application for patent for such vein or lode, and the same may be patented therewith . . . on no location made on or after May 10, 1872, of such nonadjacent land shall exceed five acres.

And for placer claims:

> Such land may be included in an application for a patent for such claim and may be patented therewith subject to the same requirements as to survey and notice as are applicable to the placers. No location made of such nonmineral land shall exceed five acres.

The law is clear. The BLM manual from 1976 to 1991 was also very clear and talked about 5 acres. This was changed in 1991 at the end of the Bush era. It was changed to read:

> A mill site cannot exceed five acres in size. There is no limit to the number of mill sites that can be held by a single claimant.

We are not here to debate the BLM manual. We are here to say: Should the law that was written in 1872 be changed to favor one side of this debate in this Interior bill before the Senate right now? We are saying if we are going to change a part of the law, this law, then we should ask the industry what they will give us in return. Will it be royalty that other industries have to pay? Is it more per acre? Should environmental law apply? Should they clean it up?

We should debate it. It should be part of the 1872 Mining Act reform. I think this Congress ought to get into this debate. To do it blatantly for one side in this bill, this night, is not the way to do it. That is why we are debating this issue. I hope many of our colleagues will understand this is a giveaway to an industry that does not pay royalties, that only pays between $2.50 and $5 an acre, less than any Member would pay to go camping on our public lands.

I think it needs to be done in a fair way. I urge my colleagues to step back. What are we doing for the taxpayers of this country? Let's be fair to them. Let's be fair to our public lands. Let's be fair to the law and do it right and not do it in a rider on the Interior appropriations bill. I urge my colleagues to vote against the motion to table.

I thank all of our colleagues who came to the floor to help with this debate.

Mr. GORTON. Rarely has a debate on an amendment had less to do with the content of the amendment itself. This debate is not about past mining practices or the leftovers from those practices or who will pay for them. The passage of the amendment will not affect that whatever, nor will the passage of the motion to table.

Royalties for mining on public lands is not a part of this debate. Passing the Murray amendment will not change those royalties. Passing a motion to table won't change those royalties. The past simply is not involved in this matter. The way in which mining claims are patented is not involved in this matter, nor does this debate involve the environmental laws of the United States. Every plan of operation of a mine must meet the requirements of the Clean Water Act, must meet the requirements of the National Environmental Policy Act, must meet the requirements of the Endangered Species Act. You don't get the permit unless you have met all of those requirements. The mine in the State of Washington that was the subject of the earlier amendment in this body met all those requirements, got all those permits, and won tests against them in courts of the United States. And every other mining claim that will come up, if this motion to table is agreed to, will have to meet the same environmental laws.

What this debate is about is whether or not the laws of the United States are to be amended by the Congress of the United States or by an employee of the Department of the Interior. This 1872 law has been amended by the Department of the Interior's ruling. No Member of Congress, whatever his or her views of the Mining Act of 1872, should favor the proposition that a bureaucrat can amend the laws of the United States. Of course, we ought to debate the 1872 Mining Act. Of course, we ought to vote on it. We have in fact debated and voted on it here in the Congress. But the fact that the changes have not taken place to the satisfaction of some does not delegate the authority to change the laws of the United States to the Department of the Interior.

The subject here is simply that. If this motion to table is agreed to, as the person who will probably chair the conference committee on this subject, I assure you that no final provision will be any stronger than the Craig-Reid amendment because of what the House has done and may well be less sweeping even than that. So at the most, Members, by voting for this motion to table, are voting for the Craig-Reid amendment and probably for something somewhat less stringent.

The PRESIDING OFFICER. All time has expired.

Mr. STEVENS. Mr. President, on behalf of myself and the Senator from Nevada, Mr. REID, I move to table the Murray amendment, No. 1360.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1360. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. LOTT) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware Mr. (BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The result was announced, yeas 55, nays 41, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—55

Abraham	Daschle	Lugar
Allard	DeWine	Mack
Ashcroft	Domenici	McConnell
Bennett	Enzi	Murkowski
Bingaman	Frist	Nickles
Bond	Gorton	Reid
Breaux	Gramm	Roberts
Brownback	Grams	Santorum
Bryan	Grassley	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Byrd	Helms	Smith (OR)
Campbell	Hollings	Stevens
Chafee	Hutchinson	Thomas
Cochran	Hutchison	Thompson
Conrad	Inhofe	Thurmond
Coverdell	Inouye	Warner
Craig	Kyl	
Crapo	Lincoln	

NAYS—41

Akaka	Gregg	Murray
Baucus	Harkin	Reed
Bayh	Jeffords	Robb
Boxer	Johnson	Rockefeller
Cleland	Kerrey	Roth
Collins	Kerry	Sarbanes
Dodd	Kohl	Schumer
Dorgan	Landrieu	Snowe
Durbin	Lautenberg	Specter
Edwards	Leahy	Torricelli
Feingold	Levin	Voinovich
Feinstein	Lieberman	Wellstone
Fitzgerald	McCain	Wyden
Graham	Mikulski	

NOT VOTING—4

Biden	Lott
Kennedy	Moynihan

The motion was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1361, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the Reid amendment No. 1361 be withdrawn.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

(The remarks of Mrs. COLLINS pertaining to the submission of S. Res. 167 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

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

JUDGE FRANK M. JOHNSON, JR.

Mr. SESSIONS. Mr. President, I would like to make a few comments at this time upon the death of Judge Frank M. Johnson, Jr., a native Alabamian born in Haleyville, AL, who was appointed to the Federal bench in 1953 by President Eisenhower and who was buried today in his native Winston County, aged 80.

That Frank M. Johnson, Jr., was a great judge, there can be no doubt. It is appropriate and fitting that this body, which reviews and confirms all members of the judiciary, pause and consider his outstanding life. His death has attracted national attention. While I knew him and considered him a friend, I am certainly unable to effectively articulate in any adequate way what his long tenure has meant to America and to Alabama, but the impact of his life on law in America is so important, I am compelled to try. I just hope I shall be forgiven for my inadequacies.

Many will say that his greatness was to be found in his commitment to civil rights and his profound belief in the ideal of American freedom, which was deep and abiding. These were, indeed, powerful strengths. Others will say that his greatness is the result of his wise handling of a series of pivotal cases that changed the very nature of everyday life throughout America, cases which were at the forefront of the legal system's action to eliminate inequality before the law. Indeed, it is stunning to recall just how many important cases Judge Johnson was called upon to decide and how many of these are widely recognized today as pivotal cases in the history of American law.

How did it happen? How did so much of importance fall to him, and how did he, in such a crucial time, handle them with such firm confidence?

I tend to believe those cases and his achievements at the root arose out of his extraordinary commitment to law, to the sanctity of the courtroom, and to his passionate, ferocious commitment to truth. That was the key to his greatness. Judge Johnson always sought the truth. He demanded it even if it were not popular. He wanted it unvarnished.

Once the true facts in a case were ascertained, he applied those facts to the law. That was his definition of justice. Make no mistake, he was very hard working; very demanding of his outstanding clerks; and, very smart. He finished first in his class at the University of Alabama Law School in 1943. This combination of idealism, courage, industry, and intelligence when applied to his search for truth along with his brilliant legal mind was the source, I think, of his greatness. This explains how when he found himself in the middle of a revolution, he was ready, capable and possessed of the gifts and grades necessary for the challenge.

The historic cases he handled are almost too numerous to mention. There was the bus boycott case in which Rosa Parks, the mother of the civil rights movement, was arrested for failing to move to the back of the bus. There, he struck down Alabama's segregation law on public transportation. That was the beginning. Later, there was his order in allowing the Selma to Montgomery march in 1964, the order to integrate his alma mater, the University of Alabama, despite the famous and intense opposition by Governor George C. Wallace, the desegregation of the Alabama State Troopers, historic prison litigation cases and his mental health rulings which were quoted and followed throughout the nation. Each of these and many other cases were truly historic in effect and very significant legally. Did he go too far on occasion? Was he too much of an activist? On a few occasions, perhaps. Some would say, on occasion, the remedies that he imposed maybe went further than they should have, even though most have agreed that his findings of constitutional violations were sound. But, most of the time and in most of the cases he simply followed the law as we had always known it to be, but unfortunately, not as it was being applied.

When the State tried to stop the Selma to Montgomery march, Judge Johnson concluded, in words quoted, in a fine obituary by J. Y. Smith in the Washington Post Sunday, that the events at the Pettus Bridge in Selma.

> Involved nothing more than a peaceful effort on the part of Negro citizens to exercise Constitutional right: that is, the right to assemble peaceably and to petition one's government for the redress of grievances * * *
>
> It seems basic to our Constitutional principles that the extent of the right to assemble, demonstrate, and march peaceably along the highways and streets in an orderly manner should be commensurate with the enormity of the wrongs that are being protested and petitioned against. In this case, the wrongs are enormous. The extent of the right to demonstrate against these wrongs should be determined accordingly.

These simple, direct and powerful words are typical of the man and his way of thinking. The years in which he presided were tumultuous, the times very tense. I remember the times. Few who were alive in those days do not. Rosa Parks and Frank Johnson-were there. They were present and participating in the commencement of a revolution and the creation of a new social order in America—a better society in which we undertook as a nation to extend equality to all people. True equality has not been fully achieved, but is indisputable that when the hammer of Rosa Parks hit the anvil of Frank Johnson, the sound of freedom rang out loud and clear and to this day that sound has not been silenced. His actions, the cases he decided have caused the anvil of freedom to ring again and again, and that sound changed, not just the South and America but the entire world.

Though I never tried a jury case before Judge Johnson, I did have appellate cases before him when he was a member of the U.S. Court of Appeals for the Eleventh Circuit, to which he was appointed by President Carter in the late 1970's. I was honored to meet him occasionally when I was a United States Attorney and when I was a private attorney. I considered him a friend. He had himself been a United States Attorney and he had great respect for the office. In several ways, and at various times he made comments that affirmed me and my service. It made me feel good. Of this I am certain. If the law, in a case before Judge Johnson, and facts were on my client's side my client would win, if not, my client would lose. This was his reputation throughout the Bar and it was one of his highest accomplishments. He was respected by all members of the bar.

The stories told by lawyers practicing before Judge Johnson were many and some are now legendary. None were better told than those by the long time federal prosecutor, Broward Segrest, who practiced in Judge Johnson's Courtroom throughout his career. No one knew more of the courtroom events and could tell them better than Broward.

There were almost as many Frank Johnson stories as Bear Bryant stories. The point is this: yes, he was famous. Yes, he played an historic role in making this land of equality. And, yes, he was brilliant and fearless. He stood for what he believed in no matter what the consequences at risk to his life. But, it was not just in these great trials that one could divine the nature of his greatness. It was also in the lesser cases that he demonstrated his fierce determination to make justice come alive in his court, for every party in every case.

Lawyers who failed to follow the rules of court or to do an effective job

for their clients were in big trouble. Because they knew what he expected, what he demanded, they came to his court prepared and ready to do justice.

There is so much more than can be said. He once called himself a ''conservative hillbilly'' and that statement could be defended. To Judge Johnson, no one was above the law or above any person who appeared in his court. All were equal. Though a Republican, he was the perfect democrat—with a small ''d''. Neither power, nor wealth, nor status, nor skilled lawyering counted a whit in his court and everyone knew it. He loved democracy, fairness and justice. Judge Johnson was vigorously indignant at crime and corruption. He fully understood that those who stole or cheated were predators and were acting in violation of morality and law. This he would never tolerate. While he was always committed to providing a fair trial, he was known as a prosecutor's judge. He would not tolerate criminality.

Judge Johnson loved democracy and fairness and justice. He sought to make that real in his courtroom by finding the truth and skillfully, with intellectual honesty, applying the truth, the facts, to the law. As God gives us the ability to understand it, that is justice, and a judge who does not consistently, in great cases and small, at risk of his life, with skill and determination, and with courage and vision, over a long lifetime is worthy to be called great. Frank M. Johnson, Jr. is worthy.

NASA AUTHORIZATION

Mr. LOTT. Mr. President, I rise in support of H.R. 1654, the NASA Authorization Act for fiscal years 2000, 2001, and 2002. Many of my colleagues and their staff's have worked hard on this legislation. This is a good bill. It ensures NASA is authorized at the appropriate level to continue its role in Space Flight and Exploration, Earth and Space Science, assembly and operations on the International Space Station, and Aeronautical Research.

Over the last decade, the U.S. commercial space launch industry has lost its technological advantage and now holds only 30 percent of the worldwide space launch market. As a result, sensitive U.S. technology is often launched into space by either Chinese, Russian or French rockets, increasing the risk of unwarranted U.S. technology transfer to foreign nations. The delayed development of modern, less expensive launch systems in this country needs to be rectified. This high cost of space transportation has greatly curtailed U.S. efforts in space research, science and exploration. This bill includes important provisions to address this issue which I would like to highlight.

Mr. President, NASA is currently conducting research programs, such as the X–33, X–34 and X–37, that could result in important technological advancements applicable to future reusable launch vehicles and reductions in space transportation costs. In addition, there are existing hardware and engine systems, that if evaluated, could make an immediate contribution to reducing the cost of access to space by a factor of 10. The information gained from these evaluations can be incorporated into design plans for the Spaceliner 100 series of vehicles and ultimately reduce the cost of access to space by a factor of one hundred. In the Commerce Committee, I amended the Senate NASA bill to add $150M for Fiscal Year 2000 to accelerate these future space launch programs by one year. Accelerating the efforts that gain us cheaper access to space will help the U.S. recapture the space launch business and save on future launch costs. American companies would not have to look overseas for cheaper launches, thereby minimizing our technology exposure to foreign governments.

Also, I am pleased to see the portion of the Earth Science budget supporting NASA's Commercial Remote Sensing effort is sustained. These programs, managed by the NASA Stennis Space Center's Commercial Remote Sensing Program Office in Mississippi, are contributing to the birth and growth of a new international industry. Wall Street has predicted this industry will grow to the $10 billion level by 2010. NASA Stennis personnel working together with the private sector, university researchers and other Federal agencies are already producing viable commercial products. New efforts are underway to coordinate the potential impact of these commercial products with the Department of Transportation. I have been told by DOT officials that remote sensing technology infused in the right way to DOT's planning efforts could result in significant savings in highway planning and construction. That is a very good potential payback for a small investment in the commercialization of remote sensing technology.

Mr. President, this is a good bill. I hope that the Senate's differences with the House can be resolved quickly so that the bill can be presented to the President for signature.

ON THE KENNEDY/BESSETTE TRAGEDY

Mr. DASCHLE. Mr. President, last week was one of unimaginable shock and sorrow for the families of John Kennedy, Jr., Carolyn Bessette Kennedy and Lauren Bessette. We prayed as we first heard the news that their plane had disappeared. We hoped against hope as the Coast Guard, the Navy and the National Transportation Safety Board conducted their ''search and rescue'' mission, and we anguished when they shifted to ''search and recovery,'' Now, as John, Carolyn and Lauren are laid to rest in the ocean that claimed their lives, we grieve.

Much has been said these past weeks—in this Chamber, across the country, and around the world—about these three exceptional young people. We have heard again and again how John, Carolyn and Lauren loved life. We have heard so many stories of their compassion and grace, their generosity and their considerable talents. We've heard, most heartbreakingly, about their potential. They had, each of them, the capacity for greatness. That is part of what makes their loss so profound.

The great poet William Wordsworth wrote:

What though the radiance which was once so bright
Be now for ever taken from my sight
Though nothing can bring back the hour
Of splendor in the grass, of glory in the flower;
We will grieve not, rather find
Strength in what remains behind.

Nothing can bring back the splendor of their lives, or their potential. We are left now with only our memories of John Kennedy, Jr., his wife Carolyn, and her sister Lauren. With that in mind, Senator LOTT and I are introducing a resolution to authorize the printing of ''Memorial Tributes to John Fitzgerald Kennedy, Jr.'' These are our own tributes and condolences offered on this floor, this week, by members of the United States Senate. I ask the Senate to pass a resolution so that we may share our tributes with the families of John Kennedy, Carolyn Bessette Kennedy and Lauren Bessette. I can only hope the Kennedy, Bessette and Freeman families are able to find some small strength in the memories of their loved ones, and in the words and sympathy of those who grieve with them.

TRIBUTE TO FIELDING BRADFORD ROBINSON, JR., SPECIAL LEGISLATIVE ASSISTANT AND DEPUTY DIRECTOR OF PROJECTS

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to my longtime staff member, Fielding Bradford Robinson, Jr., who is departing my personal office staff and returning to the State of Mississippi, after more than ten years of outstanding service here in Washington. Throughout his career, Brad Robinson has served with great distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided to me and to my home state of Mississippi.

A native of Jackson, Mississippi, Brad graduated from the University of Mississippi in 1982, with a Bachelor of Arts Degree in Public Administration. At Ole Miss, Brad was an officer of the Associated Student Body and a member of the Delta Psi Fraternity, St. Anthony Hall. He began his association with politics as Page Captain in the Mississippi House of Representatives. After logging countless miles as a pollster associated with CBS News, Brad went to work as a staff assistant to the

legendary United States Senator John C. Stennis of Mississippi. At that time, Senator Stennis was President Pro-Tempore of the Senate and Chairman of the Appropriations Committee. Following the retirement of Senator Stennis, Brad signed on as a staff member for freshman Congressman Larkin Smith, my friend and successor in the U.S. House of Representatives. Tragically, Congressman Smith died in a plane crash only months after taking office.

In 1989, Brad returned to the United States Senate and began work as a member of my personal staff. On Thursday, August 5th, 1999, Brad will conclude over ten years of faithful service in my office. During these years, Brad has proven to be one of my most loyal and dedicated staff members. As a special legislative assistant and as my deputy director of projects, Brad has tirelessly worked for the best interests of our Nation and the State of Mississippi. Over the years, working on Mississippi project interests has brought Brad into contact with virtually every city, county, and state agency in Mississippi; every federal agency and department; and every committee of the Senate and the House of Representatives as well.

Brad has pursued virtually every type of public infrastructure project conceivable, helping Mississippians build and improve utility systems, industrial parks, highways, bridges, railroads, airports and water ports. Using formal training from Ole Miss as a public planner, Brad labored closely with local engineers, and with the Army Corps of Engineers, to champion life saving flood control projects in the Mississippi Delta Region, the Jackson Metropolitan Area of Central Mississippi, and in the Forrest and Harrison County areas of South Mississippi. From the Director of the Mississippi Rural Water Association to water system operators throughout Mississippi, Brad is known as a dependable source of information and positive government action. Port directors along the Mississippi River, the Tennessee-Tombigbee Waterway, and the Mississippi Gulf Coast, have come to rely on Brad's expertise and network of contacts, on everything from dredging projects, to trade and empowerment zone designations.

Working behind the scenes to encourage top flight companies such as Southwest Airlines to expand into Mississippi, has also been a talent in which Brad has excelled. He is known by airport directors throughout our state as a man they know personally, who seemingly always is there to help with extending or repairing a runway, or improving navigation and weather instrument capability. Railroads, too, came to know Brad as an honest broker who stood for economic progress that also safeguarded and improved public safety. His multi-modal expertise, made Brad a natural asset to my staff during the legislative process that culminated in the Intermodal Surface Transportation Efficiency Act (ISTEA), as well as later during the legislative development of the Transportation Efficiency Act of the Twenty-first Century (TEA–21).

Among his many successes, Brad played a key role in encouraging the establishment of an environmentally friendly power generating facility in our state, which will efficiently and cleanly make use of vast alternative fuel supplies of lignite or low-grade coal. Combining a broad general knowledge with a keen appreciation for business, science, and technical development, and a deep respect for conservation and history, Brad has become a favorite of both business and development concerns, as well as leaders in historic and natural preservation. Brad was instrumental in historic preservation efforts for the Natchez Trace and the Natchez National Historic Park, as well as efforts to establish a Campaign of Vicksburg National Historic Trail, and a new visitors center for the Corinth, Mississippi Battlefield and Cemetery. Working both with community activists and public officials, Brad helped further these causes as well as many other historic and environmental projects such as rebuilding the Fort Massachusetts lighthouse on Ship Island, and restoring natural levels of water flow along the Lower Pearl River.

Like many effective staff members on Capitol Hill, Brad is the kind of person who never meets a stranger. A true southern gentleman, his Christian values and honest work ethic have endeared Brad to his colleagues and constituents in addition to earning their respect and trust. His flexible yet focused demeanor enables him to handle numerous projects without losing sight of the people with whom he works. For all of the many public projects Brad assisted over the years, he always made time to help individual citizens with their problems. On one occasion, while assisting a constituent with her tax problem, Brad learned of an unintended result that affected similarly situated citizens across our Nation. Brad got to work, helped form a bipartisan coalition, and succeeded in helping amend the tax code to reflect the original intent of Congress.

Brad also has contributed to the quality of life here on Capitol Hill through volunteering his time and leadership for such non-profit organizations as the Mississippi Society, the Ole Miss Alumni Association, and the Taste of the South annual charity ball. He even met his lovely wife, Mary Ellen, while she served on the staff of Senator STROM THURMOND. Brad and Mary Ellen will make their new home in Gulfport, Mississippi, and are expecting their first child in October.

Upon leaving my staff, Brad will serve as Executive Director of the Southern Rapid Rail Transit Commission where he will play a significant role in helping to establish high speed rail passenger service from Houston, Texas, to Jacksonville, Florida, and from the Gulf Coast to Atlanta. On behalf of my colleagues on both sides of the aisle, I wish Brad all of the best in his new career. I wish for Brad, and his growing family, that they experience all of the opportunity, excitement and adventure of the American Dream as they enter this new chapter of their lives and in all of their future endeavors. Brad, my most sincere congratulations on a job well done.

EXPRESSING THANKS AND APPRECIATION TO AMBASSADOR JAMES SASSER

Mr. DODD. Mr. President, I rise today to add my voice to others in thanking Ambassador Jim Sasser for his service to our country as the United States Ambassador to the People's Republic of China for the last three and one half years.

Our friend Jim Sasser has just returned home having distinguished himself as the President's representative in Beijing during a critical and often difficult period in United States/Chinese relations. He understood better than anyone how important it was that he do an effective job as United States Ambassador to such a strategically important country.

When President Clinton nominated Jim as his ambassador he had every confidence in Jim's ability to fulfill his diplomatic duties, and that confidence was not misplaced. Even before Jim took on this assignment he understood that the state of U.S./China relations could have profound implications for peace and prosperity not only in the Asia/Pacific region but globally as well.

Once confirmed, Ambassador Sasser became an articulate and effective spokesman for the administration's policy of engagement with China. He rightfully stressed that the United States does not have the luxury of not dealing with China. He would remind his audiences that China's sheer size, its permanent membership on the United Nations Security Council, its nuclear weapons capability, its economic and military potential, all demand that the United States engage the Chinese Government and the Chinese people.

Soon after his arrival, Jim established excellent working relationships with the Chinese leadership. Both formally and informally he encouraged Beijing to view itself as a responsible member of the international community and act accordingly. I credit Jim's efforts along with others in successfully persuading China to commit itself to respect a number of non-proliferation regimes and to take under serious review the possibility of formally acceding to others.

Perhaps Jim's most significant achievement during his tenure was to oversee preparations for two high level bilateral summits between the United

States and China, President Jiang's 1997 visit to Washington and President Clinton's return visit to Beijing in 1998—the first such meetings between the United States and China in nearly a decade. I cannot imagine even the most seasoned of career diplomats performing more ably as United States Ambassador than Jim Sasser has over the last three and one half years.

I kept in touch with Jim during his tenure as ambassador. He was always enthusiastic and fully engaged in working to ensure that United States policies with respect to China served our national security, foreign policy and economic interests.

I have already mentioned to some of my colleagues, that I was actually talking to Jim one evening at the very moment that the U.S. Embassy was under siege by crowds of Chinese students pelting the building with rocks in retaliation for the accidental bombing of the Chinese embassy in Belgrade. It showed great courage for him to remain in the embassy with his staff rather than be evacuated as some had recommended. And through it all Jim never lost his sense of humor.

Although relations between Washington and Beijing have deteriorated in recent months, Jim was able to maintain open lines of communication with the Chinese government at the highest levels. He accomplished this difficult task by the strength of his intellect and personality.

Having had the pleasure of serving with Jim Sasser in the United States Senate it came as no surprise to me that Jim has been an outstanding diplomat. Jim brought to the job of U.S. Ambassador the same vision that he brought to the U.S. Senate while he served in this Chamber.

I remember vividly serving with Jim on the Budget Committee —at the time I was a very junior member of that committee. From 1989 onward, I was able to observe Jim's remarkable, remarkable performance as Chairman of that committee as he built support for sound budget resolutions. Time after time, he marshaled the votes and brought together people of totally different persuasions and opinions—one of the most difficult jobs that any Member of this body has. And he did it successfully, on six different budget resolutions and three reconciliation bills. These victories came under the most difficult circumstances—including during the Republican administration of President George Bush, when he fashioned one of the most difficult budget compromises in modern history.

Jim has served our country ably as a United States Senator and an American diplomat. In fact, there are very few people in public life who come to mind who have made the kinds of contributions to our country that Jim Sasser has over the years.

And through it all, never once has Jim or his family complained about the personal sacrifices that they have made in their years of public service. It therefore seems only appropriate and fitting that I take time today to publicly thank Jim, his wife Mary, and his children Gray and Elizabeth for all that they have done for our country. It is also a personal pleasure to welcome them home to the United States and to Jim's beloved State of Tennessee. I look forward to seeing Jim and Mary very soon and I know our colleagues do as well.

CHANGES TO H. CON. RES. 68 PURSUANT TO SECTION 211

Mr. DOMENICI. Mr. President, section 211 of H. Con. Res. 68 (the FY 2000 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to specific figures in the budget resolution and on the Senate pay-as-you-go scorecard, provided the CBO estimates an on-budget surplus for FY2000 in its July 1, 1999 update report to Congress.

Pursuant to section 211, I hereby submit the following revisions to H. Con. Res. 68:

[In millions of dollars]

Current Aggregate/Instructions:	
FY 2000 revenue aggregate	$1,408,082
FY 2000 revenue reduction reconciliation instruction	0
FY 2000–2004 revenue reduction reconciliation instruction	142,315
FY 2000–2009 revenue reduction reconciliation instruction	777,868
Adjustements:	
FY 2000 revenue aggregate	−14,398
FY 2000 revenue reduction reconciliation instruction	14,398
FY 2000–2004 revenue reduction reconciliation instruction	14,398
FY 2000–2009 revenue reduction reconciliation instruction	14,398
Revised Aggregate/Instruction:	
FY 2000 revenue aggregate	1,393,684
FY 2000 revenue reduction reconciliation instruction	14,398
FY 2000–2004 revenue reduction reconciliation instruction	156,713
FY 2000–2009 revenue reduction reconciliation instruction	792,266

[Fiscal years, in millions of dollars]

Senate Pay-As-You-Go Scorecard	Total Deficit Impact						
	2000	2001	2002	2003	2004	2000–2004	2005–2009
Current scorecard	49	−8,524	−54,950	−33,312	−52,107	−148,844	−729,920
Adjustments	−14,398	0	0	0	0	−14,398	0
Revised scorecard	−14,349	−8,524	−54,950	−33,312	−52,107	−163,242	−729,920

NICARAGUA'S SANDINISTAS ADMIT TO SUBVERTING NEIGHBORS

Mr. HELMS. Mr. President, I have at hand several news reports indicating that Nicaragua's Sandinistas have finally confessed that they supplied weapons in the 1980s to communist guerrillas in El Salvador and, in fact, were themselves dependent on a flood of weapons from the Soviet Union during that period.

An excellent series of articles, written by Glenn Garvin and published in the Miami Herald earlier this month, at long last makes the record clear on that score. I ask unanimous consent that Glenn Carvin's articles be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, Mr. Garvin conducted a series of interviews with current and former Sandinista officials who are now celebrating the 20th anniversary of their rise to power on July 19, 1979. What they celebrate is a revolution that brought nothing but poverty and heartache to millions of people.

But in the midst of reciting war stories, they let the truth slip out: these Sandinista officials confirmed that they provided weapons to the Marxist Salvadoran guerrillas. They also acknowledged that the Soviet Union agreed to supply Nicaragua with high-performance MiG fighters, along with other military assistance.

This is not news, but what is, indeed, news is that, for once, two Sandinistas told the truth. back in the 1980s, when President Ronald Reagan and good many Senators accused the Sandinistas of fomenting revolution in neighboring countries, they and their left-wing media apologists in the United States questioned our facts. When the Reagan Administration warned the Soviets not to provide MiGs to Nicaragua, the other side falsely accused President Reagan of hysteria.

Now come Sandinista leaders—cofounder Tomas Borge and former president Daniel Ortega—admitting their role in a plot to escalate the crisis in Central America. Mr. President, neither of the two is famous for telling the truth, but in this case, I think they stumbled upon it, letting the cat out of the bag.

EXHIBIT 1

[From the Miami Herald]

WE SHIPPED WEAPONS, SANDINISTAS SAY

(By Glenn Garvin)

MANAGUA.—When Ronald Reagan and Sandinista leaders slugged it out during the 1980s over events in Nicaragua, Reagan was right more often than they liked to admit, the Sandinistas now say.

In a series of interviews with The Herald, several past and present Sandinista officials confirmed that they shipped weapons to Marxist guerrillas in neighboring El Salvador, a statement they once hotly denied.

The Sandinistas also said that the Soviet Union agreed to supply them with MiG jet fighters and even arranged for Nicaraguan pilots to be trained on the planes in Bulgaria. but the Soviets reneged on the deal, sending the Sandinistas scurrying to make peace with the contras.

DOMINO THEORY

''The Sandinista leadership thought they could be Che Guevaras of all Latin America, from Mexico to Antarctica,'' former Sandinista leader Moises Hassan told the Herald. ''the domino theory wasn't so crazy.''

During their explosive battles with Congress over U.S. aid to anti-Sandinista rebels

in Nicaragua, Reagan administration officials frequently justified helping the rebels on the grounds that the Sandinistas were shipping arms to the Salvadoran guerrillas.

Reagan's deputies also accused the Sandinistas of planning to acquire the MiGs, a move that they warned that the United States ''would view with the utmost concern.'' In 1984, when American officials spotted large crates being unloaded from Soviet ships in Nicaraguan ports, there was widespread fear that the two countries would go to war. But the crates turned out to contain helicopters, and tensions eased.

Sandinista leaders had denied supplying the Salvadoran guerrillas. ''We are not responsible for what is happening El Salvador,'' said Sandinista party cofounder Tomas Borge said in 1980.

Earlier this month, Borge and former president Daniel Ortega both said the denials were false. they said the Sandinistas had shipped arms to Salvadoran guerrillas because the Salvadorans helped them in their successful insurrection against Anastasio Somoza, and also because they thought it would be more difficult for the United States to attack two revolutionary regimes instead of one.

A MATTER OF ETHICS'

''We wanted to broaden the territory of the revolution, to make it wider, so it would be harder for the Americans to come after us,'' Borge said. Ortega added that it was ''a matter of ethics'' to arm the Salvadorans.

Neither man offered details on how many weapons were supplied. But Hassan a former Sandinista official who was a member of the revolutionary junta that governed Nicaragua in the early 1980s, said he believed about 50,000 weapons and a corresponding amount of ammunition were sent to El Salvador just in the first 16 months of the Sandinista government.

''Ortega and Borge didn't tell me about it, because they thought I was unreliable, but other people who just assumed I knew would casually bring it up,'' Hassan said.

Hassan resigned from the Sandinista party in June 1985 but continued to work closely with his old colleagues as mayor of Managua until late 1988.

He also confirmed that the Sandinistas had a commitment for MiGs from the Soviet Union.

He said he learned of the plan for the MiGs during 1982, when he was minister of construction and Sandinistas began building a base for the jet fighters at Punta Huete, a remote site on the east side of Lake Managua.

The site included a 10,000-foot concrete runway—the longest in Central America—capable of handling any military aircraft in the Soviet fleet.

CODE NAME: PANCHITO

''It was top secret—we even had a code name, Panchito, so we could talk about it without the CIA hearing,'' Hassan said. ''But somehow the Americans found out.''

Alejandro Bendeña, who was secretary general of foreign affairs during the Sandinista government, said Nicaraguan pilots trained to fly the MiGs in Bulgaria. But in 1987, soon after the Punta Huete site was finished, the Soviets backed out, he said.

The news that they weren't getting a weapon they had always considered security blanket, coupled with Soviet advice that it was ''time to achieve a regional settlement of security problems,'' made the Sandinistas realize that they could not longer depend on the USSR for help, Bendaña said.

Quickly, the Sandinistas signed onto a regional peace plan sponsored by Costa Rican President Oscar Arias, which required peace talks with the U.S.-backed contra army, Bendaña said. Those talks led eventually to an agreement for internationally supervised elections that resulted in a Sandinista defeat in 1990.

''It wasn't the intellectual brilliance of Oscar Arias that did it,'' Bendaña said. ''It was us grabbing frantically onto any framework that was there, trying to cut our losses.''

HOSTILITY TO THE U.S. A COSTLY MISTAKE

20 YEARS AFTER THE REVOLUTION, NICARAGUANS WONDER HOW IT ALL COULD HAVE GONE SO WRONG

(by Glenn Garvin)

MANAGUA.—It was hard to say which was shining more brightly, Moises Hassan thought, as his makeshift military caravan rolled down the highway: the sun in the sky, or the faces of the people crowded along the road, shrieking ''Viva!'' to his troops.

It was the morning of July 19th, 1979, and Nicaragua had just awakened to find itself abruptly, stunningly free of a dictatorship that, for more than 40 years, had passed the country around from generation to generation like a family cow.

Hassan, as a senior official in the Sandinista National Liberation Front, the guerrilla movement that had spearheaded the rebellion against the dictatorship, had played a key role in ousting it. But now, as he waived to the crowds lining the highway, he realized that it was what came next that would really count.

''You could see the happiness in the people's faces,'' he recalled. ''And you could see the hope, too. And I told myself, damn, we've taken a lot of responsibility on ourselves . . . . We cannot let these people down.''

Twenty years later, neither Hassasn nor any other Sandinista leader denies that the revolution they did let Nicaraguans down. It would reel headlong into a decade of confrontation with the United States, a catastrophic economy where peasants literally preferred toilet paper to the national currency, and a civil war that would take 25,000 lives and send perilously close to a million others into exile.

It would end 11 years later in an ignominious electoral defeat from which the Sandististas still haven't recovered, and some say, never will. And it is still a source of wonder to them how everything could have gone so disastrously wrong.

''We believed—it was one of our many errors—that we were going to hold power until the end of the centuries,'' mused Tomas Borge, who helped found the Sandinista Front in 1961. ''It didn't work out that way.''

Just as the Sandinista victory in 1979 echoed around the world, ushering in a new chapter of the Cold War, its collapse sent a tidal wave washing through the international left.

Leftist theoreticians who could no longer defend the bueaucracy in the Soviet Union or Fidel Castro's erratic military adventures abroad pinned their hopes on the Baby Boomer regime in Nicaragua. They were devastated when it fared no better than the graying revolutions in Cuba and the USSR.

''It's like saying we had a project to make the world over the greater justice and greater fairness, and we failed,'' said Margaret Randall, an American academic who lived in Nicaragua during the first four years the Sandinistas governed and wrote four adultatory books about them.

''It's been very, very hard for those of us who gave our best years to Nicaragua, our greatest energies to Nicaragua, who had friends who died there . . . It's one thing to say the people are gone, but the project is still there. But now there's nothing. We're still picking up the pieces.''

ALL WAS CONFUSION—CHAOS LEFT SANDINISTAS A BLANK SLATE FOR COUNTRY

On that day 20 years ago, it was a little hard to imagine that any government would emerge from the debris left behind when Anastasio Somoza—the last of three family members to rule Nicaragua—slipped away in the middle of the night.

Within hours of Somoza's departure, the entire senior officer corps of the National Guard, the army on which the dictatorship was built, bolted for the border. On the morning of July 19, Managua's streets were littered with cast-off uniforms of panicky junior officers and enlisted men who were making their own getaways in civilian clothes.

Chaos was everywhere. Children lurched about the parking lot of the Inter-Continental Hotel, spraying the air with bullets from automatic rifles left behind by the soldiers. Inside the hotel, the last of the foreign mercenaries Somoza employed as bodyguards was going room to room, robbing reporters (including one from The Miami Herald) at gunpoint.

At the airport, clogged with government officials and Somoza cronies trying to catch the last plane out, an armed band of teenage Sandinista sympathizers climbed into the tower to try to arrest the air traffic controllers, who were still wearing their National Guard uniforms. Only the intervention of a Red Cross official prevented a complete disaster.

Elsewhere in the city, those who couldn't or wouldn't leave were nervously preparing peace offerings to the revolutionary army that was headed for Managua. One elderly couple spray-painted FSLN—the Spanish initials by which the Sandinistas were known—across the sides of their new Mercedes Benz.

But as Sandinista forces poured into the city over the next few days, the situation quickly stabilized. And as FSLN leaders admit, the anarchy they found actually offered them a marvelous opportunity to start a country from scratch.

''The state dissolved completely,'' said novelist Giaconda Belli, who delivered the first newscast over Sandinista television. ''No army, no judges, no congress, no nothing. . . . It was like a clean slate for us.''

What the Sandinistas had promised—to the Organization of American States and the U.S. Government, as they tried to mediate the war against Somoza—was a pluralist, non-aligned democracy with a mixed economy. Many Sandinistas still say that was what they tried to build.

''We were not trying to put a communist government in Managua,'' Belli insisted. ''We were very critical of the Soviet model and the Cuban model. We never closed our borders, we never prohibited organized religion.''

But though there were many members of the FSLN who rejected communist dogma, the nine men who composed the Sandinista directorate—the central committee—were committed Marxist-Leninists.

''All the top leadership was Marxist-Leninist,'' agreed Hassan, who wasn't. ''And I knew that if they had their way, Nicaragua would be a Marxist state. But I wasn't too worried about it. I didn't think they would be able to brush aside the rest of us.''

Hassan was part of the five-member junta—which included two non-Sandinista members—that was theoretically governing Nicaragua until free elections could be held. But, he soon realized, all the important decisions were being made by the party leadership. The junta was little more than a rubber stamp.

''I remember when the Russians invaded Afghanistan late in 1979, the junta had to

meet to decide what position we were going to take at the United Nations,'' Hassen said. ''We decided we would condemn it. But when [Foreign Minister Miguel] D'Escoto went up to New York, he abstained when it was time to vote. The Sandinista directorate told him what to do, and he obeyed them, not us.''

In fact, there was an increasing confusion between the identity of the country and the party. The police became the Sandinista National Police, the army the Sandinista People's Army. Schoolchildren pledged allegiance not only to Nicaragua but to the Sandinista party, and promised it their ''love, loyalty and sacrifice.''

Meanwhile, the failure to condemn the Soviet invasion was symptomatic of the revolution's leftward march. The government quickly moved to seize anything that was ''mismanaged'' or ''underexploited.'' Farmers were ordered to sell grain only to a state purchasing agency and cattle only to state slaughterhouses.

Newsmen who criticized government policies lost their papers or radio programs, and sometimes were jailed. Kids learned math from schoolbooks that taught two grenades plus two grenades plus two grenades equals six grenades, and their alphabet from sentences like this one that illustrated the use of the letter Q: ''Sandino fought the yanquis. The yanquis will always be defeated in our fatherland.''

It was the profound Sandinista hostility to the United States—the party anthem even referred to the U.S. as ''the enemy of humanity''—that led to what some party leaders now consider its most ruinous mistake: supporting Marxist guerrillas in nearby El Salvador against the American-backed government.

First Jimmy Carter and then Ronald Reagan warned the Sandinistas to stay out of the Salvadoran conflict. When they didn't, the United States first suspended aid to Nicaragua, and later began supporting the counterrevolutionary forces that came to be known as the contras in a civil war that ultimately cost the Sandinistas power.

''It was just political machismo,'' Belli said. ''Everybody was young, wearing uniforms, and they thought they were cut. They wanted to be heroic, and going up against the United States was heroic. . . . But it was the wrong thing to do, and the Nicaraguan people paid a high price.''

Several Sandinista leaders say the party missed a golden opportunity when Thomas Enders, an assistant U.S. secretary of state, came to Managua in 1981 with a final carrot-and-stick offer from the Reagan administration: Quit fooling around in El Salvador, and we'll leave you alone, no matter what you do inside Nicaragua. Keep it up, and we'll swat you like a fly.

''It was a great opportunity for a deal,'' said Arturo Cruz Jr., who was a key official in Nicaragua's foreign ministry at the time. ''I think it was a sincere offer. Ronald Reagan considered Nicaragaua a lost cause. Their concern was El Salvador.'' Sergio Ramirez, a member of the junta and later vice president, agreed: ''I thought it was an opportunity, and I said so, but no one agreed with me.''

Even with the benefit of hindsight, some Sandinistas say it was unthinkable to back away from the Salvadoran guerrillas.

''That was a matter of ethics on our part,'' said former President Daniel Ortega. ''The Salvadorans had helped us [against Somoza]. And thanks to the armed struggle, El Salvador has changed. It's a much different place than it was then. . . . The war in El Salvador has led to a political advance, and we are part of that achievement.''

The United States wouldn't have kept its promise anyway, said Borge. ''Look, I don't think Cuba was ever a threat to the United States, but let's say it was at one time,'' he explained. ''Well, with the fall of the Soviet Union, it obviously isn't a threat anymore. But the U.S. agitation against Cuba and attempts to isolate it continue. The U.S. doesn't like revolutionaries, and we were revolutionaries.''

But is some Sandinistas had doubts about the carrot in Enders' offer, they know he was serious about the stick. Three months after the Sandinistas rejected the deal, the Regan administration was funneling money to the contras. Four months after that, in March 1982, the contras blew up two major bridges in northern Nicaragua, and the war was on in earnest.

The war led directly to some of the Sandinistas' most unpopular policies, like the military draft, and broadened others, like moving peasants off their land into cooperatives. Censorship expanded until the daily paper La Presena, the last voice of the opposition, was shut down completely.

What had been skirmishes between the Sandinistas and the Roman Catholic Church erupted into full-fledged firefights, climaxing when FSLN militants shouted down Pope John Paul II as he tried to say Mass.

It accelerated the decline already begun by their economic policies. By 1988, inflation was 33,000 percent annually, and it took a shopping bag full of cordobas just to buy lunch—that is if you could find lunch.

Practically everything was in short supply: No hay, there isn't any, because about the only Spanish phrase a visitor of Nicaragua needed. The vast shelves of the supermarkets built in the days of Somoza were empty except for Bulgarian-made dishwasher soap, useless in a country with no dishwashers.

When the Sandinistas managed to obtain food from their socialist trading partners, people were suspicious. A bumper crop of Russian potatoes in 1987 led to the widespread certainty that they were contaminated with radiation from the breakdown of the Soviet nuclear reactor at Chernobyl.

Some of the problems, Sandinista leaders insist even now, weren't their fault.

''The conflict with the church was strong, and it cost us, but I don't think it was our fault.'' Ortega said. ''There was so many people being wounded every day, so many people dying, and it was hard for us to understand the position of the church hierarchy'' in refusing to condemn the contras.

Others, they acknowledge, were in large part their responsibility. ''When we arrived, we had almost total power,'' Borge said. ''And we didn't know how to handle total power. What came hand in hand with total power was the mistaken belief that we were never mistaken. This made us behave in an arbitrary way. And the most grave and arbitrary abuses were made in the countryside, where the peasants began to join the contras.''

Sandinista leaders agree that the contras would never have grown into such a huge and destructive force—some 22,000 by the war's end—if the U.S. hadn't been arming and supplying them. But most of them also admit that the revolution made the war possible by alienating hundreds of thousands of peasants.

''During the 1984 election, we had a rally down in the southern part of the country, and they had this peasant—a contra who had surrendered—make a symbolic presentation of a riffle to me,'' Ramirez recalled. ''We always talked about the contras as American mercenaries, but this guy standing across from me was not some big gringo Ranger. He was a simple peasant.

''Before that, my understanding of the counterrevolution had been intellectual. But here, right before me, was the face of the country. This poor man. . . . He thought we were going to take away his children, interfere in his family, butt into his religion, make him work in a collective.

''And this was the man that the revolution was supposed to be for! You know, the revolution was headed by intellectuals. We did it in the name of the workers and peasants, but were all intellectuals. And in the end , most of the peasants were against us.

END OF GAME—SANDINISTAS STUNNED BY SCOPE OF ELECTION LOSS

The war eventually forced the Sandinistas to agree to internationally supervised elections. They lost—to Violeta Chamorro, publisher of La Prensa, one of their most important allies during the war against Somoza—in a landslide that stunned them.

''We had a naive syllogism: If it was a revolution for the poor, then the poor couldn't be against us,'' Ramirez said. ''But we should have known much earlier. We started out with 90 percent of the population behind us. By 1985, there were 400,000 Nicaraguans who had fled to Miami, several hundred thousand more in Costa Rica and Honduras, and we still only got 60 percent of the vote. The Nicaraguan family was split.''

Since the 1990 election, the Sandinistas have lost three more elections (one presidential, two for local offices across the country) by nearly identical margins. The party newspaper is closed, the party television station under the control of Mexican investors. Two major scandals—one over the way Sandinista leaders looted the government on their way out of office in 1990, another over allegations that Daniel Ortega molested his stepdaughter for nine years, beginning when she was 11—have been sandwiched around countless minor ones.

Those who govern now say the Sandinistas left nothing behind but wreckage. Nicaraguan Vice President Enrique Bolaños, a lifelong opponent of the FSLN whose farm was confiscated during the revolution, says it will take decades to undo the damage the Sandinistas did to the Nicaraguan economy.

''Per capital income dropped to the levels of 1942 when they were in charge,'' he said. ''The trade deficit, which had always hovered around zero, went up to $400 million to $600 million their first year, and its stayed there ever since. Even if we get the foreign debt they left us under control—it went from $1.3 billion to $12 billion under them—that trade deficit will kill us.''

Many of the party's most loyal militants—including Ramirez, Belli, Hassan and Cruz—have deserted it. Some are harshly critical of what the revolution left behind. Hassan, who has left politics and now manages a garment factory, said that what he saw during the revolution has soured him on the political left.

''I think the left equal populism, which equals give-me-give-me-give-me,'' he said. ''What we bred here are people who say, 'I'll go to demonstrations and shout, but I won't work. I want a salary, but I won't work. I want food, but I won't work. I want a house, but I won't work.

But others believe that the revolution left some things of lasting value, including a sense that even poor people have inalienable rights.

''Nicaraguan peasant will look you straight in the eye,'' said Alejandro Bendaña, once Daniel Ortega's top foreign policy adviser, now estranged from the party. ''That wasn't always true. When I was a kid, they walked up to you, bowing, humble and deferential, saying boss this and boss that. That is a legacy of the revolution.''

Bendaña, like many past and present Sandinistas, believes that the revolution would have been worthwhile even if it never accomplished anything but getting rid of the Somozas.

''Our parents had failed to get rid of the bastard, and we were the ones who did it,'' he said. ''And to get rid of the dictatorship, armed force was required. Banging pots and pans in the streets, like in the Philippines, that wasn't going to do it.''

Ortega, somewhat paradoxically, believes that the election that ousted him proves that the Sandinistas moved the country forward.

''When we lost the election, we gave up the government,'' Ortega said. ''That hadn't happened before. What we have here is a typical bourgeois democracy—not a true people's democracy—but I still think it represents an advance for Nicaragua.''

But being remembered as a transitional asterisk in Nicaraguan history was not what the Sandinistas dreamed of in 1979, when they boasted that they would do nothing less than construct a New Man, free of the chains of ego and selfishness.

''I always thought the revolution would be a transcendental story in human development,'' mused Ramirez earlier this month. ''But it wasn't, was it?''

46TH ANNIVERSARY OF THE KOREAN ARMISTICE

Mr. SHELBY. Mr. President, on July 27, 1953, the armistice was signed, ending the Korean War. On Sunday, July 25, 1999, nearly forty-six years after the fighting stopped, the Veterans of Foreign Wars gathered for the dedication of a Korean War Memorial in Fultondale, Alabama. I rise today, on the 46th Anniversary of the armistice, to honor the military personnel who faithfully served our nation in this conflict.

Many have wrongfully called Korea ''the Forgotten War.'' I want Korean War veterans to know that we have not forgotten their brave service to our nation. The courage and dedication of American troops who fought on and around the Korean Peninsula should never be forgotten. The names of Pusan, Inchon, Chosin Reservoir and countless other locations where our forces fought against Communist aggression continue to bring pride to the hearts and minds of all Americans.

We are constantly and correctly reminded of the thousands of Americans who lost so much in the Vietnam War. Vietnam left such a lasting impression on our history that there has been a temptation to overlook our nation's first stand against the Communist threat in Asia. I am committed to insuring that we do not succumb to this temptation. We must not forget either the 37,000 Americans who gave their lives in Korea, or the 8,000 MIAs whose fate remains a mystery.

Those who served their nation from 1950–53 suffered much, but have left a proud legacy. The 8th Army, Far East Air Force, 1st Marine Division, and 7th Fleet proved their mettle in Korea and remain among the proudest names in American military history. The peace and prosperity which the people of South Korea enjoy today is the direct result of the gallantry of our Armed Forces. The 38,000 American personnel who currently serve in South Korea are guardians of the liberty which their predecessors fought to establish nearly half a century ago.

Mr. President, I ask you and my fellow United States Senators to join me in recognizing the members of the Armed Services who sacrificed so much in defense of freedom and democracy on the Korean Peninsula.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 26, 1999, the Federal debt stood at $5,636,525,745,471.93 (Five trillion, six hundred thirty-six billion, five hundred twenty-five million, seven hundred forty-five thousand, four hundred seventy-one dollars and ninety-three cents).

Five years ago, July 26, 1994, the Federal debt stood at $4,632,297,000,000 (Four trillion, six hundred thirty-two billion, two hundred ninety-seven million).

Ten years ago, July 26, 1989, the Federal debt stood at $2,802,473,000,000 (Two trillion, eight hundred two billion, four hundred seventy-three million).

Fifteen years ago, July 26, 1984, the Federal debt stood at $1,536,607,000,000 (One trillion, five hundred thirty-six billion, six hundred seven million).

Twenty-five years ago, July 26, 1974, the Federal debt stood at $475,807,000,000 (Four hundred seventy-five billion, eight hundred seven million) which reflects a debt increase of more than $5 trillion—$5,160,718,745,471.93 (Five trillion, one hundred sixty billion, seven hundred eighteen million, seven hundred forty-five thousand, four hundred seventy-one dollars and ninety-three cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:46 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2561. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2415. An act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 604. An act to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company.

S. 1258. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

S. 1259. An act to amend the Trademark Act of 1946 relating to dilution of famous marks, and for other purposes.

S. 1260. An act to make technical corrections in title 17, United States Code, and other laws.

The message further announced that the House insists upon its amendments to the bill (S. 507) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as managers of the conference on the part of the House:

For consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. BOEHLERT, Mr. BAKER, Mr. DOOLITTLE, Mr. SHERWOOD, Mr. OBERSTAR, Mr. BORSKI, Mrs. TAUSCHER, and Mr. BAIRD.

At 2:06 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 457. An act to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

H.R. 1074. An act to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

H.R. 2565. An act to clarify the quorum requirement for the Board of Director of the Export-Import Bank of the United States.

MEASURES REFERRED

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

H.R. 457. An act to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1074. An act to provide Government-wide accounting of regulatory costs and benefits, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2565. An act to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC–4358. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automated Export System (AES)'' (RIN1515–AC42), received July 23, 1999; to the Committee on Finance.

EC–4359. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to worker adjustment assistance training funds; to the Committee on Finance.

EC–4360. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits; Correction'', received July 23, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4361. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to a vacancy in the position of Chief Financial Officer in the Department of Education and the designation of an Acting Chief Financial Officer; to the Committee on Health, Education, Labor, and Pensions.

EC–4362. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Preferred Lender Program and Streamlining of Guaranteed Farm Loan Programs Loan Regulations; Correction'' (RIN0560–AF38), received July 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4363. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas'' (Docket No. 99–042–1), received July 23, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4364. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States held on March 16, 1999; to the Committee on the Judiciary.

EC–4365. A communication from the Assistant Secretary, Lands and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf-Bonus Payments with Bids'' (RIN1010–AC49), received July 23, 1999; to the Committee on Energy and Natural Resources.

EC–4366. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Submit a Revised State Implementation Plan (SIP) for Lead; Missouri; Doe Run-Herculaneum Lead Nonattainment Area'' (FRL # 6408–3), received July 23, 1999; to the Committee on Environment and Public Works.

EC–4367. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–4368. A communication from the Director, Employment Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Career Transition Assistance for Surplus and Displaced Federal Employees'' (RIN3206–AI39), received July 23, 1999; to the Committee on Governmental Affairs.

EC–4369. A communication from the Director, Employment Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Positions Restricted to Preference Eligibles'' (RIN3206–AI69), received July 23, 1999; to the Committee on Governmental Affairs.

EC–4370. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–104, ''Taxicab Commission Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4371. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–105, ''Emergency Financial Assistance for Hospitals Temporary Act of 1999''; to the Committee on Governmental Affairs.

EC–4372. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–98, ''Use of Trained Employees to Administer Medication Clarification Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4373. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–99, ''Equal Opportunity for Local, Small, or Disadvantaged Business Enterprises Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4374. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–97, ''Office of Cable Television and Telecommunications Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4375. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–100, ''Uniform Controlled Substances Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4376. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–102, ''Motor Vehicle Excessive Idling Fine Increase Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4377. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed Manufacturing License Agreement with Germany; to the Committee on Foreign Relations.

EC–4378. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification relative to a proposed transfer of major defense equipment valued at $14,000,000 from Germany to Greece; to the Committee on Foreign Relations.

EC–4379. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the administration of the Foreign Agents Registration Act for the six months ending December 31, 1998; to the Committee on Foreign Relations.

EC–4380. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC–4381. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC–4382. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a report entitled ''Imposition of Foreign Policy Export Controls for Exports and Reexports of Explosive Detection Systems''; to the Committee on Banking, Housing, and Urban Affairs.

EC–4383. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 723; Member Business Loans'', received July 23, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4384. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance; 64 FR 38311; 07/16/99 (Docket No. FEMA–7716)'', received July 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4385. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 64 FR 38309; 07/16/99 (Docket No. FEMA–7717)'', received July 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4386. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Cigar Sales and Advertising and Promotional Expenditures'' for calendar years 1996 and 1997; to the Committee on Commerce, Science, and Transportation.

EC–4387. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters, Inc. Model 369 D and E Helicopters; Request for Comments; Docket No. 99–zSW–40 (7–20/7–22)'' (RIN2120–AA64) (1999–0274), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4388. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 206L, 206L–1, 206L–3, and 206L–4 Helicopters; Request for Comments; Docket No. 99–SW–23'' (RIN2120–AA64) (1999–0278), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4389. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777 Series Airplanes; Request for Comments; Docket No. 99–NM 113'' (RIN2120–AA64) (1999–0277), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4390. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

''Airworthiness Directives: Boeing Model 747–200 and –300 Series Airplanes Equipped with General Electric CF6–80C2 Series Engines; Docket No. 99–NM 247 (7–20/7–22)'' (RIN2120–AA64) (1999–0279), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4391. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: deHaviland, Inc. Models DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III Airplanes; Docket No. 99–CE–05 (7–21/7–22)'' (RIN2120–AA64) (1999–0276), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4392. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace HP137 Mk1, Jetstream Models 3101 and 3201 Airplanes; Docket No. 98–CE–115 (7–20/7–22)'' (RIN2120–AA64) (1999–0275), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4393. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; North Platte, NE; Direct Final Rule; Request for Comments; Docket No. 99–ACE–33 (7–20/7–22)'' (RIN2120–AA66) (1999–0232), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4394. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Raton, NM; Direct Final Rule; Request for Comments; Docket No. 99–ASW 11 (7–20/7–22)'' (R2120–AA66) (1999–0231), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4395. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Harlan, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–22 (7–20/7–22)'' (RIN2120–AA66) (1999–0229), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4396. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Ottawa, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–21 (7–20/7–22)'' (RIN2120–AA66) (1999–0230), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4397. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D Airspace; Dallas NAS, Dallas, TX; Docket No. 99–ASW–08 (7–22/7–22)'' (RIN2120–AA66) (1999–0228), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4398. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (29) Amdt. 1939 (7–19/7–22)'' (RIN2120–AA65) (1999–0035), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4399. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (18) Amdt. 1940 (7–19/7–22)'' (RIN2120–AA65) (1999–0034), received July 23, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1076. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes (Rept. No. 106–122).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CAMPBELL:

S. 1438. A bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WELLSTONE):

S. 1439. A bill to terminate production under the D5 submarine-launched ballistic missile program; to the Committee on Armed Services.

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

S. 1440. A bill to promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age; to the Committee on Finance.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, and Mr. AKAKA):

S. 1441. A bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes; to the Committee on Governmental Affairs.

By Mr. REED:

S. 1442. A bill to provide for the professional development of elementary and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mrs. LINCOLN, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1443. A bill to amend section 10102 of the Elementary and Secondary Education Act of 1965 regarding elementary school and secondary school counseling; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1444. A bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction; to the Committee on Finance.

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

S. 1445. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the medicare and medicaid programs; to the Committee on Finance.

By Mr. LOTT:

S. 1446. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 164. A resolution congratulating the Black Bears of the University of Maine for winning the 1999 NCAA hockey championship; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. SHELBY, Mr. SESSIONS, Mr. GRASSLEY, Mr. BIDEN, Mr. KENNEDY, Mr. KOHL, Mr. DEWINE, Mr. FEINGOLD, and Mr. FITZGERALD):

S. Res. 165. A resolution in memory of Senior Judge Frank M. Johnson, Jr. of the United States Court of Appeals for the Eleventh Circuit; considered and agreed to.

By Mr. THOMAS:

S. Res. 166. A resolution relating to the recent elections in the Republic of Indonesia; to the Committee on Foreign Relations.

By Ms. COLLINS:

S. Res. 167. A resolution commending the Georges Bank Review Panel on the recent report recommending extension of the moratorium on oil and gas exploration on Georges Bank, commending the Government of Canada for extending the moratorium on oil and gas exploration on Georges Bank, and urging the Government of Canada to adopt a longer-term moratorium; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1438. A bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia; to the Committee on Energy and Natural Resources

NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the National Law Enforcement Museum Act of 1999. This legislation would authorize the construction of a National Law Enforcement Museum to be built here in our Nation's Capital.

Just over one year ago, this institution, along with millions of other Americans, were reminded about the risks that our officers must face on a daily basis. On July 24, 1998, U.S. Capitol Police Officer Jacob J. Chestnut

and Detective John Gibson were killed by a deranged man. This legislation I introduce today will ensure that their story of heroism and sacrifice is never forgotten, just as we must never forget the thousands of other officers who have made the ultimate sacrifice to secure the safety and well-being of our communities.

As a former deputy sheriff, I know first-hand the risks peace officers face in enforcing our laws. Throughout our nation's history, nearly 15,000 federal, state, and local law enforcement officers have lost their lives in the line of duty. Based on FBI statistics, nearly 63,000 officers are assaulted each year in this country, resulting in more than 21,000 injuries. On average, one police officer is killed somewhere in America every 54 hours.

Approximately 740,000 law enforcement professionals are continuing to put their lives on the line for the safety and protection of others.

We owe all of those officers a huge debt of gratitude, and it is only fitting that we properly commemorate this outstanding record of service and sacrifice.

My legislation seeks to achieve this important goal by authorizing the National Law Enforcement Officers Memorial Fund, a nonprofit organization, to establish a comprehensive law enforcement museum and research repository on federal land in the District of Columbia. The Fund is the same group that so ably carried out the congressional mandate of 1984 to establish the National Law Enforcement Officers Memorial, which was dedicated in 1991 just a few blocks from the Capitol. Clearly, their record of significant achievement speaks volumes about their ability to meet this important challenge.

Since 1993, the Fund has efficiently operated a small-scale version of the National Law Enforcement Museum at a site located about two blocks from the Memorial. The time has come to broaden the scope of this museum and move it in closer proximity to the National Law Enforcement Officers Memorial.

This museum would serve as a repository of information for researchers, practitioners, and the general public. The museum will become the premiere source of information on issues related to law enforcement history and safety, and obviously a popular tourist attraction in Washington, DC, as well.

The ideal location for this museum is directly across from the National Law Enforcement Officers Memorial on a parcel of federal-owned property that now functions as a parking lot. The building, as planned, will have underground parking for the judicial officers who currently use this lot.

Under my legislation, no federal dollars are being proposed to establish this museum. Rather, the Fund would raise all of the money necessary to construct the museum through private donations. Recognizing the national importance of this museum, however, the legislation states that upon completion of the museum facility the Secretary of the Interior and the Administrator of the General Services Administration will be responsible for the maintenance of the exterior grounds and interior space, respectively. The legislation places the responsibility of operating the museum in the hands of the Fund.

Finally, let me add that this legislation is supported by 15 national law enforcement organizations: the Concerns of Police Survivors; the Federal Law Enforcement Officers Association; the Fraternal Order of Police; the Fraternal Order of Police Auxiliary; the International Association of Chiefs of Police; the International Brotherhood of Police Officers; the International Union of Police Associations/AFL–CIO; the National Association of Police Organizations; the National Black Police Association; the National Organization of Black Law Enforcement Executives; the National Sheriffs Association; the National Troopers Coalition; the Police Executive Research Forum; the Police Foundation; the United Federation of Police; and the National Law Enforcement Council. Together, these organizations represent virtually every law enforcement officer, family member and police survivor in the United States.

Mr. President, as we remember the sacrifices made by Officer Chestnut, Detective Gibson and so many other brave officers, I strongly urge my colleagues in the Senate to join me in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the legislation and letters of support be printed in the RECORD.

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

S. 1438

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 ''National Law Enforcement Museum Act''.

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term ''Memorial Fund'' means the National Law Enforcement Officers Memorial Fund.

(2) MUSEUM.—The term ''Museum'' means the National Law Enforcement Museum established under section 4(a).

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

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) ESTABLISHMENT.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property directly south of the National Law Enforcement Officers Memorial, bounded by—

(1) E Street, NW., on the north;

(2) 5th Street, NW., on the west;

(3) 4th Street, NW., on the east; and

(4) Indiana Avenue, NW., on the south.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(c) FUNDING; EXTERIOR MAINTENANCE.—The Secretary—

(1) shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b); and

(2) shall maintain the exterior and exterior grounds of the Museum after completion of construction.

(d) INTERIOR MAINTENANCE.—The Administrator of General Services shall maintain the interior of the Museum after completion of construction.

(e) OPERATION.—The Memorial Fund shall operate the Museum after completion of construction.

(f) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(g) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to construct the Museum by the date that is 7 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date, unless construction of the Museum begins before that date.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.,
Washington, D.C., July 20, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Washington, DC,

DEAR SENATOR CAMPBELL: I am writing on behalf of the National Association of Police Organizations (NAPO) to thank you for your understanding and willingness to introduce legislation that when passed into law would authorize the National Law Enforcement Officers Memorial Fund (NLEOMF) to establish a National Law Enforcement Museum in the District of Columbia directly across the street from the National Law Enforcement Officers Memorial.

I stand ready to work with your staff to ensure speedy passage of this important legislation.

NAPO is a coalition of police unions and association from across the United States that serves in Washington, DC to advance the interest of America's law enforcement officers through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents 4,000 police organizations and more than 220,000 sworn law enforcement officers including the Denver Police Association and the nearly 4,000 members of the Colorado Police Protective Association.

NAPO lobbied tirelessly for the passage of legislation that allowed for the establishment of the National Law Enforcement Officers Memorial and will work just as hard for this legislation, which when completed will truly complement each other.

The Memorial serves as a reminder to the law enforcement community and the law-abiding public the sacrifice made on a daily basis by our nation's law enforcement officers and their loved ones.

The museum will serve as the most comprehensive law enforcement museum and research facility in the world. It will help create a better understanding of the law enforcement mission and will assist in bringing the police and the public closer together.

I appreciate your continued support of the law enforcement community.

Sincerely,

ROBERT T. SCULLY,
Executive Director.

NATIONAL TROOPERS COALITION,
Albany, NY., July 19, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the over 40,000 members of the National Troopers Coalition, I wish to thank you for your sponsorship of legislation that will create a National Law Enforcement Museum on Federal land directly across the street from the National Law Enforcement Officers Memorial.

This museum, in combination with the National Law Enforcement Officers Memorial, will pay tribute to law enforcement as a profession, as well as educate the public on the duties performed by the public servants who have sworn to protect the Constitution and the communities they serve. The research component alone, in conjunction with established Federal resources, should serve all of law enforcement as the premier source of information for operational and training purposes.

The site being considered is a natural setting for this museum and would no doubt enhance those Federal and District of Columbia facilities located nearby.

In closing, I would like to thank you for your leadership in introducing this legislation, as well as your support for State Troopers/Highway Patrolmen and their families. Your concern for them is deeply appreciated. If I or another member of the National Troopers Coalition can assist you, please don't hesitate to contact us.

Sincerely:

MIKE MUTH,
1st Vice Chairman.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
East Northport, NY, July 23, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator,
Russell Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the more than 16,000 members of the Federal Law Enforcement Officers Association (FLEOA). I wish to express FLEOA's strong support for legislation establishing a National Law Enforcement Museum on Federal land located directly across the street from the National Law Enforcement Officers Memorial (NLEOM). FLEOA thanks you for your support.

This legislation creates the largest and most comprehensive law enforcement museum and research facility, at no cost to the taxpayer as all funds necessary to complete the construction will be raised through private donations. We sincerely believe the museum and research facility will enable the public to better understand and appreciate the work of law enforcement, and thus further assist law enforcement in fighting crime. The proposed location, across the street from the Memorial Wall containing the names of nearly 15,000 American law enforcement heroes, is ideal. FLEOA, as a member of the NLEOM Executive Board, fully supports this concept and proposed legislation.

If you have any questions or need further information, please feel free to contact me directly at (212) 264–8400, or through feel free to contact me directly at (516) 368–6117. Thank you for your support.

RICHARD J. GALLO,
President.

NATIONAL BLACK POLICE ASSOCIATION,
Washington, DC, July 21, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: The National Black Police Association was created in 1972 as a network between minority officers across the country. The NBPA fosters a bond between the minority officers and their communities. This nonprofit organization has helped to improve relations between the police departments and the community.

I am writing on behalf of the National Law Enforcement Memorial Fund to formally request that you introduce legislation authorizing the NLEOMF to establish a National Law Enforcement Museum on Federal land located directly across the street from the National Law Enforcement Officers Memorial.

The goal of the NLEOMF is to create the largest and most comprehensive law enforcement museum and research facility found anywhere in the world. The museum will become ''the source'' of information on issues related to law enforcement history and safety. This facility would help to create a much better public understanding of and appreciation for the law enforcement profession and the work that they perform at great personal risk.

The museum site that is specified in this draft legislation is federally-owned land that is currently being used by the District of Columbia as a parking lot for the court buildings in the area. Therefore, we hope that you give our request favorable consideration. The museum will become a legacy which that we all would be extremely proud.

Sincerely,

WENDELL M. FRANCE,
Chairperson.

NATIONAL LAW ENFORCEMENT COUNCIL,
Washington, DC, July 21, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: As an honorary board member of the National Law Enforcement Officers' Memorial I am pleased to endorse plans for a museum facility on the grounds of the NLEOM. We strongly encourage you and your colleagues in the Congress to support our efforts. The land on which we wish to build our museum is locate on federal land and is located directly across from the Memorial. It requires the approval of Congress.

A Joint Resolution for the building of our Memorial (PL 98–534) was approved by the Congress and signed into law in 1991. We understand a similar Joint Resolution is required for the transfer of the public land in question, which is the site selected for the museum.

We are grateful for your interest and help in the introduction of the necessary legislation which would allow the NLEOMF to build their museum on federal land across from their Museum.

Kindest regards.

Sincerely yours,

DONALD BALDWIN.

UNITED FEDERATION OF POLICE OFFICERS, INC.,
Briarcliff Manor, NY, July 2, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Washington, DC.

DEAR SENATOR CAMPBELL: As a member of the National Law Enforcement Memorial Fund's Board of Directors, I am writing to formally request you introduce legislation authorizing our organization to establish the National Law Enforcement Museum on Federal Land located directly across the street from the National Law Enforcement Officers Memorial. It is my understanding that you have received a draft of the proposed legislation from our Executive Director Craig Floyd.

The goal is to create the largest and most comprehensive law enforcement museum and research facility found anywhere in the world. The museum will become the source of information on issues related to law enforcement history and safety. This facility would create a much better public understanding of and appreciation for the law enforcement profession and the work that they perform at great personal risk. The museum and research facility would also serve as an important tool for policy makers and law enforcement trainers in their efforts to make the profession safer and more effective. This museum facility work provide an effective and appropriate complement to the National Law Enforcement Officers Memorial in commemorating the extraordinary level of service and sacrifice provided throughout our history by our nation's law enforcement officers.

Therefore, on behalf of our active, retired, and associate members, I urge you to shepherd this legislation through the United States Congress so this dream will become a reality.

Sincerely,

RALPH M. PURDY,
President.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, July 20, 1999.

Re: National Law Enforcement Officers' Memorial—National Law Enforcement Museum Legislation.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the National Sheriffs' Association—representing the Office of Sheriff and the public safety community in law enforcement, jails, and judicial and court services—I write to express our organization's wholehearted support for the establishment of a National Law Enforcement Museum in Washington, D.C.

Your background as a law enforcement officer and your advocacy on behalf of the public safety community are respected and appreciated by the NSA constituency, and I assure you that—as a proud and dedicated member of the Executive Committee and Board of Directors for the National Law Enforcement Officers' Memorial—I will work hard with NSA's leadership to assist you in any way we can in furtherance of your proposed legislation for the Museum.

NSA supports all legislation for the betterment of our citizenry and the public safety community. The old motto *To Protect and Serve* would be enshrined in a museum such as that proposed and would preserve law enforcement's historical roots. Accordingly, the National Sheriffs' Association would welcome the privilege to work closely with you on this honorable endeavor.

Sincerely,

A.N. MOSER, JR.,
Executive Director.

NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES,

Alexandria, VA, July 19, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR CAMPBELL: The National Organization of Black Law Enforcement Executives (NOBLE), applauds your efforts to honor the law enforcement officers who have protected, and those who protect our communities by introducing legislation to create the National Law Enforcement Museum.

NOBLE is an organization of over 3,500 primarily African-American law enforcement CEO's and command level officials who are committed to improving the quality of law enforcement service in this country through training, professional competence, personal example and by forming meaningful partnerships with the community.

NOBLE is a member of the board of directors of the National Law Enforcement Memorial Fund, and as such, supports the proposed National Law Enforcement Museum to be located on the isle of a parking lot in Judiciary Square, just south of the National Enforcement Officers Memorial in Washington, D.C.

The nation's memorial to law enforcement officers who have made the supreme sacrifice is unfortunately a perpetual memorial with an average of 150 names inscribed on the memorial walls each year. The memorial serves as a place where the families, friends and coworkers can find peace and solace as they cope with the loss of ''their'' officer.

Many of these visitors leave mementos that are catalogued and stored in the memorial offices. Other important items relating to law enforcement are also sent to the memorial offices. The memorial office is not an appropriate location to display these remembrances. We believe that these items should be displayed with the dignity they deserve. The National Law Enforcement Museum would compliment the memorial by not only telling the story of the courage and sacrifice of the individual officers ''on the wall'' but also the evolution of the law enforcement profession.

Besides the historical component, the museum would include a research center. This is a logical progression for the NLEOMF as the center would provide the opportunity to focus law enforcement historical and safety information at one location.

Fiscally, NOBLE believes that the National Law Enforcement Museum is a good investment for the nation. The NLEOMF is committed to this memorial and we have the capacity to construct the memorial through private donations.

The NLEOMF will partner with Secretary of the Interior and the Administrator of the General Services Administration for the maintenance of the building and grounds and the NLEOMF would operate the museum. The D.C. Supreme Court has already given its support for the museum.

We trust that Congress will act on this legislation expeditiously and turn this barren parking lot into living facility, that will meld the past, the present and the future of law enforcement with the memories of those whose names are engraved on the walls of the companion memorial.

Sincerely,

ROBERT L. STEWART,
Executive Director.

By Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WELLSTONE):

S. 1439. A bill to terminate production under the D5 submarine-launched ballistic missile program; to the Committee on Armed Services.

TRIDENT II (D–5) MISSILE PRODUCTION LIMITATION ACT

Mr. FEINGOLD. Mr. President, I come to the floor today to introduce a bill whose time has come.

Mr. President, it is a decade since the Berlin Wall came down, heralding the end of the Cold War. Since then, we have reduced our nuclear arsenal, as have the Russians. And our Navy is advocating to downsize the Trident nuclear submarine fleet, the cornerstone of our nuclear triad strategy. It's just common sense to limit future production of weapons deployed in those submarines.

The bill I introduce today would terminate future production of the Trident II missile. In doing so, this common sense bill would save American taxpayers $5 billion over the next five years, and more than $13 billion over the next ten years.

Mr. President, the Trident II, or D–5 missile, is the Navy's submarine-launched ballistic missile (SLBM). The missile is a Cold War relic that was designed specifically to be a first-strike strategic missile that would attack targets inside the Soviet Union from waters off the continental United States.

The Trident II is deployed aboard Ohio-class nuclear submarines in the order of 24 per boat. Each missile is loaded with 8 independently targetable, nuclear warheads. In other words, 192 warheads per submarine. The warheads bear 300- to 475-kilotons of explosive power. Doing the math, that equals up to 91,200 kilotons of warheads on each and every Trident submarine.

Mr. President, the truth of the matter is we all know that one submarine firing 192 warheads could bring about an apocalypse on this planet. Needless to say, 18, 14, or even 10 submarines with that kind of firepower is beyond necessity. This is especially true if one considers that in addition to, yes, in addition to the SLBMS, the United States deploys 500 Minuteman III intercontinental ballistic missiles with three warheads each; 50 Peacekeeper ICBMs with 10 warheads each; and 94 B–52 and 21 B–2 bombers capable of carrying strategic nuclear warheads.

Mr. President, the United States is building or possesses, right now, 360 Trident II missiles. Current plans would have us purchase 65 more missiles through 2005. The 360 missiles we already own are more than enough to fully arm the ten existing Trident II-armed submarines as well as maintain an adequate test flight program. We simply do not need 65 more missiles. Nor do we need to backfit four Trident I, or C4, missile carrying submarines to carry Trident IIs, especially when one considers that the C4 submarines won't even outlast the Trident I missiles they carry.

I'd like to briefly inform my colleagues on the difference between the Trident I and Trident II missiles. According to CBO, the C4 has an accuracy shortage of about 450 feet compared to the D5, or the distance from where the presiding officer is sitting right now to where the Speaker of the House is sitting down the hall. Given the fact that either missile could utterly destroy the District of Columbia many times over, spending billions of dollars to backfit the C4 submarines seems unnecessary.

And this is not an inexpensive program, Mr. President. According to the Congressional Budget Office, which recommends that we discontinue production of the Trident II and retire all eight C4 submarines, if we terminate production of the missile after this year and retire the C4s by 2005, we would save more than $5 billion over five years, and more than $13 billion over the next ten years. Even here in the Senate, that's real money.

Mr. President, I am not naive enough to believe that Russia's deteriorating infrastructure has eliminated the threat of their ballistic missile capability. And given the missile technology advances in China, North Korea, and Iran, and attempts by rogue states to buy intercontinental ballistic missiles, it is imperative that we maintain a deterrent to ward off this threat. There is still an important role for strategic nuclear weapons in our arsenal. Their role, however, is diminished dramatically from what it was in the past, and our missile procurement decisions should reflect that change.

Mr. President, of our known potential adversaries, only Russia and China even possess ballistic missile-capable submarines. China's one ballistic missile capable submarine is used solely as a test platform. Russia is the only potential adversary with a credible SLBM force, and its submarine capabilities have deteriorated significantly or remain far behind those of our Navy. Due to Russia's continued economic hardships, they continue to cede ground to us in technology and training. Reports even contend that Russia is having trouble keeping just one or two of its strategic nuclear submarines operational. According to General Eugene E. Habiger, USAF (Ret.) and former commander in chief of the U.S. Strategic Command, Moscow's ''sub fleet is belly-up.''

Mr. President, Russia's submarine fleet has shrunk from more than 300 vessels to about 100. Even Russia's most modern submarines can't be used to full capability because Russia can't adequately train its sailors. Clearly, the threat is diminishing.

Mr. President, earlier this year, Admiral Jay Johnson, the Chief of Naval Operations, went before the Senate Armed Services Committee and stated unequivocally that the Pentagon believes that 14 Trident submarines is adequate to anchor the sea-based corner of the nuclear triad. Based on that testimony, the committee put forward a Department of Defense authorization bill supporting the Navy's plan. Common sense would dictate that fewer submarines warrant fewer missiles. The threat is diminishing; the Navy knows it and the Congress knows it.

The Navy's plan, with the Senate's agreement, to downsize our Trident submarine fleet saves valuable resources and allows us to reach START II arms levels for our SLBMs, and moves us toward future arms reduction treaties. By going with ten boats, the Navy could meet essential requirements under START II today and the anticipated requirements under a START III framework tomorrow.

And ultimately, Mr. President, the United States' leadership in reducing our nuclear stockpile shows our good faith, and will make Russia's passage of a START II treaty more likely.

This strategy of reducing our nuclear stockpile is supported widely by some of our foremost military leaders. General George Lee Butler, former commander in chief of the U.S. Strategic Command, and an ardent advocate of our deterrent force during the Cold War, has said that ''With the end of the Cold War, these weapons are of sharply reduced utility, and there is much to be gained by substantially reducing their numbers.'' I believe we should heed his words.

Mr. President, more than anything else, this issue comes down to a question of priorities. Do we want to spend $13 billion over the next ten years to purchase unnecessary Trident II missiles, or do we want to use that money to address readiness concerns that we've talked a lot about but haven't addressed adequately?

Mr. President, for the past year, we've heard the call to address our military's readiness crisis from virtually all quarters. We were told that foremost among the readiness shortfalls were operations and maintenance as well as pay and allowances accounts.

A preliminary General Accounting Office report on recruitment and retention found that issues like a lack of spare parts; concerns with the health care system; increased deployments; and dissatisfaction with military leaders have at least as much effect on retention, if not more, than a pay raise.

And the Pentagon concurs. Last September, General Henry Shelton, Chairman of the Joint Chiefs, stated that ''without relief, we will see a continuation of the downward trends in readiness . . . and shortfalls in critical skills.'' Army Chief of Staff General Dennis Reimer claimed that the military faces a ''hollow force'' without increased readiness spending. Chief of Naval Operations Admiral Jay Johnson asserted that the Navy has a $6 billion readiness deficit.

To address the readiness shortfall, Mr. President, the Congress passed an emergency supplemental appropriations bill. The bill spent close to $9 billion, but just $1 billion of it went to address the readiness shortfall. Priorities, Mr. President.

And last month, on the Defense appropriations bill, a couple of Senators inserted an amendment, without debate, to take $220 million from vital Army and Air Force spare parts and repair accounts, and from the National Guard equipment account to buy planes. Planes that the Pentagon doesn't even want. Sponsors of the amendment admitted readily that this was done for the benefit of a company that had lost a multi-billion dollar contract with a foreign country. Priorities, Mr. President.

This bill makes sense now and for the future by saving vital defense dollars now and for years to come, and by stimulating the arms treaty dialogue.

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

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

S. 1439

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

SECTION 1. TERMINATION OF D5 SUBMARINE-LAUNCHED BALLISTIC MISSILE PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate production of D5 submarine ballistic missiles under the D5 submarine-launched ballistic missile program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available on or after the date of the enactment of this Act for obligation for the D5 submarine-launched ballistic missile program may be obligated for production under that program only for payment of the costs associated with the termination of production under this Act.

(c) INAPPLICABILITY TO MISSILES IN PRODUCTION.—Subsections (a) and (b) do not apply to missiles in production on the date of the enactment of this Act.

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

S. 1440. A bill to promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age; to the Committee on Finance.

NEW WORKERS FOR ECONOMIC GROWTH ACT

Mr. GRAMM. Mr. President, today I am joined by Senators LOTT and MCCONNELL in introducing the New Workers for Economic Growth Act, which will increase the number of H–1B temporary work visas used by U.S. companies to recruit and hire foreign workers with very specialized skills, particularly in high technology fields. In addition, the legislation eliminates the reduction in Social Security benefits now imposed on individuals aged 65 through 69 who continue to work and whose earnings exceed $15,500 annually. This bill will ensure that the U.S. economic expansion will not be impeded by a lack of skilled workers.

With record low unemployment, many U.S. companies have been forced to slow their expansion, or cancel projects, and may be forced to move their operations overseas because of an inability to find qualified individuals to fill job vacancies. We will achieve our full economic potential only if we ensure that high-technology companies can find and hire the people whose unique qualifications and specialized skills are critical to America's future success.

Last year, the Congress increased temporarily the number of annual H–1B visas from 65,000 to 115,000 for Fiscal Years 1999 and 2000, and to 107,500 in 2001. The number of H–1B visas is scheduled to drop back to 65,000 for Fiscal Year 2002 and subsequent years. The New Workers for Economic Growth Act will increase the H–1B visa cap to 200,000 for Fiscal Years 2000, 2001 and 2002. By the end of that period, we will have the data we need to make an informed decision on the number of such visas required beyond 2002. The bill retains the language of current law which protects qualified U.S. workers from being displaced by H–1B visa holders.

According to a recent study by the American Electronics Association (AEA), Texas has the fastest growing high technology industry in the country and is second only to California in the number of high technology workers. This legislation will ensure that these companies have access to highly skilled, specialized workers, in order that such businesses can continue to grow and prosper, and in doing so, create jobs and opportunity for U.S. workers.

Additionally, our bill expands work opportunities for America's retired senior citizens by removing the financial penalty which is now imposed on those who choose to continue to work while receiving Social Security and whose wages exceed specified levels. The Social Security earnings test robs senior citizens of their money, their dignity, and their right to work, and it robs our Nation of their talent and wisdom. I believe that this legislation represents a fair and effective way to address a critical need in our Nation's economy, and I hope my colleagues will quickly approve this important proposal.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, and Mr. AKAKA):

S. 1441. A bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE RETIREMENT CONTRIBUTIONS ACT OF 1999

Mr. SARBANES. Mr. President, I am pleased to join with my colleagues, Senators MIKULSKI, WARNER, ROBB and AKAKA, in introducing the Federal Employee Retirement Contributions Act of 1999. This bill would return Federal employee retirement contribution rates to their 1998 levels, effective January 1st, 2000.

Mr. President, in the 1997 Budget Reconciliation bill, as part of the deficit reduction effort, Congress enacted temporary increases in Federal employee retirement contribution rates. In order to meet its fiscal year 1998 reconciliation instructions, the Governmental Affairs Committee reluctantly agreed to phased-in, temporary increases in employee retirement payments of .5 percent through December 31, 2002.

The 1997 provision effectively takes retirement contribution rates under the Civil Service Retirement System (CSRS) from 7 percent to 7.5 percent and under the Federal Employee Retirement System (FERS) from .8 percent to 1.3 percent. Rates are to return to 7 percent and .8 percent respectively in 2003.

Mr. President, the sole rationale for this additional tax on Federal employee income in 1997 was to achieve deficit reduction. It is important to point out that Federal employees received no additional benefits from their increased contributions. Thus, the size of a Federal employee's retirement annuity is not greater because of their increased contributions. Instead, these contribution increases were merely one of several measures included in the Balanced Budget Act in order to raise revenues and reduce the deficit.

The goal of deficit reduction is being realized, and after 30 years of spiraling deficits the economy is now strong and the budget has been balanced. With budget surpluses projected for the near future, the rationale for increasing Federal employees' retirement contribution is no longer valid.

During the past weeks as tax cut proposals have begun moving in the Senate, I have worked to repeal the increased contributions as part of these proposals. While the Majority's tax cut packages would grant billions of dollars in tax relief over the next ten years, and even more in future years, the bill proposals fail to remove the burden that was placed on Federal employees under the Balanced Budget Act.

Mr. President, if we are going to move forward with tax reduction proposals, it is my strong view that we should first make certain that Federal employees, who were singled out to bear an additional burden in the deficit reduction effort, are relieved of that burden. Federal employees should not be forced to continue to contribute more than their fair share, at a time when others are having their taxes reduced.

As of January 1, 1999, half of the .5 percent increase (.25 percent) has already taken effect. Unless action is taken, an additional .15 percent will be deducted from Federal employees' salaries for their retirement on January 1, 2000, followed by .10 percent more in 2001. In these times of strong economic growth, Federal workers should no longer be required to carry this additional burden.

Federal employees were asked to make numerous sacrifices in order to contribute to our Nation's fiscal health. In addition to the increase in retirement contributions, the Federal Government has cut approximately 330,000 employees from its rolls and delayed statutory pay raises over the last several years. Certainly, these were substantial contributions to our country's economy and have helped us turn the corner toward the bright economic future that is now predicted. As we consider how to best utilize projected budget surpluses, we should first remove this burden from Federal employees who have already contributed so much. Repealing the increases in Federal employee retirement contributions is the fair thing to do.

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

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

S. 1441

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 ''Federal Employee Retirement Contributions Act of 1999''.

SEC. 2. DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

''7.4	January 1, 2000, to December 31, 2000.
7.5	January 1, 2001, to December 31, 2002.
7	After December 31, 2002.'';

and inserting the following:

''7	After December 31, 1999.'';

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

''7.9	January 1, 2000, to December 31, 2000.
8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.'';

and inserting the following:

''7	After December 31, 1999.'';

(3) in the matter relating to a Member for Member service by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(4) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

''7.9	January 1, 2000, to December 31, 2000.
8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.'';

and inserting the following:

''7.5	After December 31, 1999.'';

(5) in the matter relating to a bankruptcy judge by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(6) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(7) in the matter relating to a United States magistrate by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(8) in the matter relating to a Court of Federal Claims judge by striking:

''8.4	January 1, 2000, to December 31, 2000.
8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.'';

and inserting the following:

''8	After December 31, 1999.'';

(9) in the matter relating to the Capitol Police by striking:

''7.9	January 1, 2000, to December 31, 2000.
8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.''.

and inserting the following:

''7.5	After December 31, 1999.'';

and

(10) in the matter relating to a nuclear material courier by striking:

''7.9	January 1, 2000, to December 31, 2000.

	8	January 1, 2001, to December 31, 2002.
	7.5	After December 31, 2002.''.

and inserting the following:

	''7.5	After December 31, 1999.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) The applicable percentage under this paragraph for civilian service shall be as follows:

''Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7	After December 31, 1999.
Congressional employee.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.5	After December 31, 1999.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.5	After December 31, 1999.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.5	After December 31, 1999.
Nuclear materials courier.	7	January 1, 1987, to the day before the date of enactment of the strom Thurmond National Defense Authorization Act for Fiscal Year 1999.
	7.75	The date of enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.5	After December 31, 1999.''.

SEC. 3. CONFORMING AMENDMENTS RELATING TO MILITARY AND VOLUNTEER SERVICE UNDER FERS.

(a) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended to read as follows:

''(6) The percentage of basic pay under section 204 of title 37 payable under paragraph (1), with respect to any period of military service performed during January 1, 1999, through December 31, 1999, shall be 3.25 percent.''.

(b) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended to read as follows:

''(4) The percentage of the readjustment allowance or stipend (as the case may be) payable under paragraph (1), with respect to any period of volunteer service performed during January 1, 1999, through December 31, 1999, shall be 3.25 percent.''.

SEC. 4. OTHER FEDERAL RETIREMENT SYSTEMS.

(a) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) DEDUCTIONS, WITHHOLDINGS, AND DEPOSITS.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 659) is amended to read as follows:

''(2) INDIVIDUAL DEDUCTIONS, WITHHOLDINGS, AND DEPOSITS.—Notwithstanding section 211(a)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(1)) beginning on January 1, 1999, through December 31, 1999, the percentage deducted and withheld from the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System shall be 7.25 percent.''.

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended to read as follows:

''(h)(1)(A) Each participant who has performed military service before the date of separation on which entitlement to an annuity under this title is based may pay to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of title 37, United States Code, to the participant for each period of military service after December 1956; except, the amount to be paid for military service performed beginning on January 1, 1999, through December 31, 1999, shall be 7.25 percent of basic pay.''.

(b) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 660) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—Notwithstanding section 805(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)(1)), beginning on January 1, 1999, through December 31, 1999, the amount withheld and deducted from the basic pay of a participant in the Foreign Service Retirement and Disability System shall be 7.25 percent.

''(B) FOREIGN SERVICE CRIMINAL INVESTIGATORS/INSPECTORS OF THE OFFICE OF THE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT.—Notwithstanding section 805(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)(2)), beginning on January 1, 1999, through December 31, 1999, the amount withheld and deducted from the basic pay of an eligible Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development participating in the Foreign Service Retirement and Disability System shall be 7.75 percent.''.

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended in the table in the matter following subparagraph (B) by striking:

''January 1, 1970, through December 31, 1998, inclusive.	7
January 1, 1999, through December 31, 1999, inclusive.	7.25
January 1, 2000, through December 31, 2000, inclusive.	7.4
January 1, 2001, through December 31, 2002, inclusive.	7.5
After December 31, 2002.	7''.

and inserting the following:

''January 1, 1970, through December 31, 1998, inclusive.	7
January 1, 1999, through December 31, 1999, inclusive.	7.25
After December 31, 1999.	7.''.

(c) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended to read as follows:

''(2) The applicable percentage under this subsection shall be as follows:

''7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.5	After December 31, 1999.''.

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended by striking all after ''volunteer service;'' and inserting ''except, the amount to be paid for volunteer service beginning on January 1, 1999, through December 31, 1999, shall be 3.25 percent.''.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on December 31, 1999.

By Mr. REED.

S. 1442. A bill to provide for the professional development of elementary and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

PROFESSIONAL DEVELOPMENT REFORM ACT

Mr. REED. Mr. President, I rise today to introduce the Professional Development Reform Act to strengthen and improve professional development for teachers and administrators.

I have long worked to improve the quality of teaching in America's classrooms for the simple reason that well-trained and well-prepared teachers are central to improving the academic performance and achievement of students.

Last Congress, I introduced the TEACH Act to reform the way our prospective teachers are trained. The TEACH Act sought to foster partnerships among teacher colleges, schools of arts and sciences, and elementary and secondary schools.

Such partnerships were a central recommendation of the National Commission on Teaching and America's Future to reform teacher training, and I was pleased that my legislation was included in the renewed teacher training title of the Higher Education Act Amendments of 1998.

As Congress turns to the reauthorization of the Elementary and Secondary Education Act, the focus shifts to new teachers and teachers already in the classroom.

Mr. President, the legislation I introduce today would reform professional development, which too often consists of fragmented, one-shot workshops, at which teachers passively listen to experts and are isolated from the practice of teaching.

We don't expect students to learn their ''ABCs'' after one day of lessons, and we shouldn't expect a one-day professional development workshop to yield the desired result.

Research shows that such professional development fails to improve or even impact teaching practice.

Moreover, a recent survey of teachers found that professional development is too short term and lacks intensity. In 1998, participation in professional development programs typically lasted from 1 to 8 hours—the equivalent of only a day or less.

As a consequence, only about 1 in 5 teachers felt very well prepared for addressing the needs of students with

limited English proficiency, those from culturally diverse backgrounds, and those with disabilities, or integrating educational technology into the curriculum.

Instead, research shows that effective professional development approaches are sustained, intensive activities that focus on deepening teachers knowledge of content; allow teachers to work collaboratively; provide opportunities for teachers to practice and reflect upon their teaching; are aligned with standards and embedded in the daily work of the school; and involve parents and other community members.

Such high-quality professional development improves student achievement. Indeed, a 1998 study in California found that the more teachers were engaged in ongoing, curriculum-centered professional development, holding school conditions and student characteristics constant, the higher their students' mathematics achievement on the state's assessment.

Community School District 2 in New York City is one district which has seen its investment in sustained, intensive professional development pay off with increases in student achievement. Professional development in District 2 is delivered in schools and classrooms and focused on system-wide instructional improvement, with intensive activities such as observation of exemplary teachers and classrooms both inside and outside the district, supervised practice, peer networks, and off-site training opportunities.

Unfortunately, a recent national evaluation of the Eisenhower Professional Development program found that the majority of professional development activities in the six districts studied did not follow such a sustained and intensive approach.

And, in a recent article in the Providence Journal, some teachers noted that professional development for them has revolved around sitting and listening to experts talk about standards, rather than working closely with teachers and students to refine new methods of teaching those standards.

Unlike the bill passed last week in the other body which would do little to address these issues or change professional development, my legislation would create a new formula program for professional development that is sustained, collaborative, content-centered, embedded in the daily work of the school, and aligned with standards and school reform efforts.

To achieve this enhanced professional development, the legislation funds the following activities: mentoring; peer observation and coaching; curriculum-based content training; dedicated time for collaborative lesson planning; opportunities for teachers to visit other classrooms to model effective teaching practice; training on integrating technology into the curriculum, addressing the specific needs of diverse students, and involving parents; professional development networks to provide a forum for interaction and exchange of information among teachers and administrators; and release time and compensation for mentors and substitute teachers to make these activities possible.

The Professional Development Reform Act also requires partnerships between elementary and secondary schools and institutions of higher education for providing training opportunities, including advanced content area courses and training to address teacher shortages. In fact, preliminary U.S. Department of Education data show that the Eisenhower Professional Development activities sponsored by institutions of higher education are most effective.

My legislation will also provide funding for skills and leadership training for principals and superintendents, as well as mentors. Indeed, ensuring that our principals have the training and support to serve as instructional leaders is critical, as is ensuring that mentors have the skills necessary to help our newest teachers and other teachers who need assistance in the classroom.

Funding is targeted to Title I schools with the highest percentages of students living in poverty, where improvements in professional development are needed most.

My legislation does not eliminate the Eisenhower program, but it does require that Eisenhower and other federal, state, and local professional development funds be coordinated and used in the manner described in our bill—on professional development activities that research shows works.

In addition, the Professional Development Reform Act offers resources but it demands results. Strong accountability provisions require that school districts and schools which receive funding actually improve student performance and increase participation in sustained professional development in three years in order to secure additional funding.

In sum, my legislation seeks to ensure that new teachers have the support they need to be successful teachers, that all teachers have access to high quality professional development regardless of the content areas they teach, and that the professional development does not isolate teachers, but rather is part of a coordinated and comprehensive strategy aligned with standards.

Not only does the research bear this out as the way to improve teaching practice and student learning, but education leaders in my home state of Rhode Island, as well as witnesses at a recent Health, Education, Labor, and Pensions Committee hearing stressed the importance of this type of professional development.

Mr. President, the time for action is now as schools must hire an estimated 2.2 million new teachers over the next decade due to increasing enrollments, the retirement of approximately half of our current teaching force, and high attrition rates.

Ensuring that teachers have the training, assistance, and support to increase student achievement and sustain them throughout their careers is a great challenge. But we must meet and overcome this challenge if we are to reform education and prepare our children for the 21st Century.

The Professional Development Reform Act, by increasing our professional development investment and focusing it on the kind of activities and opportunities for teachers and administrators that research shows is effective, is critical to this effort.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1442

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

SECTION 1. PROFESSIONAL DEVELOPMENT.

(a) SHORT TITLE.—This section may be cited as the ''Professional Development Reform Act''.

(b) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following:

''PART E—PROFESSIONAL DEVELOPMENT

''SEC. 2351. PURPOSES.

''The purposes of this part are as follows:

''(1) To improve the academic achievement of students by providing every student with a well-prepared teacher.

''(2) To provide every new teacher with structured support, including a qualified and trained mentor, to facilitate the transition into successful teaching.

''(3) To ensure that every teacher is given the assistance, tools, and professional development opportunities, throughout the teacher's career, to help the teacher teach to the highest academic standards and help students succeed.

''(4) To provide training to prepare and support principals to serve as instructional leaders and to work with teachers to create a school climate that fosters excellence in teaching and learning.

''(5) To transform, strengthen, and improve professional development from a fragmented, one-shot approach to sustained, high quality, and intensive activities that—

''(A) are collaborative, content-centered, standards-based, results-driven, and embedded in the daily work of the school;

''(B) allow teachers regular opportunities to practice and reflect upon their teaching and learning; and

''(C) are responsive to teacher needs.

''SEC. 2252. DEFINITIONS.

''In this part:

''(1) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means effective professional development that—

''(A) is sustained, high quality, intensive, and comprehensive;

''(B) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by research, and aligned with and designed to help elementary school or secondary school students

meet challenging State content standards and challenging State student performance standards;

''(C) includes structured induction activities that provide ongoing and regular support to new teachers in the initial years of their careers;

''(D) includes sustained in-service activities to improve elementary school or secondary school teaching in the core academic subjects, to integrate technology into the curriculum, to improve understanding and the use of student assessments, to improve classroom management skills, to address the specific needs of diverse students, including limited English proficient students, individuals with disabilities, and economically disadvantaged individuals, and to encourage and provide instruction on how to work with and involve parents to foster student achievement; and

''(E) includes sustained onsite training opportunities that provide active learning and observational opportunities for elementary school or secondary school teachers to model effective practice.

''(2) ADMINISTRATOR.—The term 'administrator' means a school principal or superintendent.

''SEC. 2353. STATE ALLOTMENT OF FUNDS.

''From the amount appropriated under section 2361 that is not reserved under section 2360 for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under section 2354 in an amount that bears the same relation to the amount appropriated under section 2361 that is not reserved under section 2360 for the fiscal year as the amount the State educational agency received under part A of title I for the fiscal year bears to the amount received under such part by all States for the fiscal year.

''SEC. 2354. STATE APPLICATIONS.

''Each State educational agency desiring an allotment under section 2353 for a fiscal year shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include—

''(1) a description of the strategy to be used to implement State activities described in section 2355;

''(2) a description of how the State educational agency will assist local educational agencies in transforming, strengthening, and improving professional development;

''(3) a description of how the activities described in section 2355 and the assistance described in paragraph (2) will assist the State in achieving the State's goals for comprehensive education reform, will help all students meet challenging State content standards and challenging State student performance standards, and will help all teachers meet State standards for teaching excellence;

''(4) a description of the manner in which the State educational agency will ensure, consistent with the State's comprehensive education reform plan policies, or statutes, that funds provided under this part will be effectively coordinated with all Federal and State professional development funds and activities, including funds and activities under this title, titles I, III, VI, and VII, title II of the Higher Education Act of 1965, section 307 of the Department of Education Appropriations Act, 1999, and the Goals 2000: Educate America Act; and

''(5) a description of—

''(A) how the State educational agency will collect and utilize data for evaluation of the activities carried out by local educational agencies under this part, including collecting baseline data in order to measure changes in the professional development opportunities provided to teachers and measure improvements in teaching practice and student performance; and

''(B) the specific performance measures the State educational agency will use to determine the need for technical assistance described in section 2355(2) and to make a continuation of funding determination under section 2358.

''SEC. 2355. STATE ACTIVITIES.

''From the amount allotted to a State educational agency under section 2353 for a fiscal year, the State educational agency—

''(1) shall reserve not more than 5 percent to support, directly or through grants to or contracts with institutions of higher education, educational nonprofit organizations, professional associations of administrators, or other entities that are responsive to the needs of administrators and teachers, programs that—

''(A) provide effective leadership training—

''(i) to encourage highly qualified individuals to become administrators; and

''(ii) to develop and enhance instructional leadership, school management, parent involvement, mentoring, and staff evaluation skills of administrators; and

''(B) provide effective leadership and mentor training—

''(i) to encourage highly qualified and effective teachers to become mentors; and

''(ii) to develop and enhance the mentoring and peer coaching skills of such qualified and effective teachers;

''(2) may reserve not more than 2 percent for providing technical assistance and dissemination of information to schools and local educational agencies to help the schools and local educational agencies implement effective professional development activities that are aligned with challenging State content standards, challenging State student performance standards, and State standards for teaching excellence; and

''(3) may reserve not more than 2 percent for evaluating the effectiveness of the professional development provided by schools and local educational agencies under this part in improving teaching practice, increasing the academic achievement of students, and helping students meet challenging State content standards and challenging State student performance standards, and for administrative costs.

''SEC. 2356. LOCAL PROVISIONS.

''(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving an allotment under section 2353 for a fiscal year shall make an allocation from the allotted funds that are not reserved under section 2355 for the fiscal year to each local educational agency in the State that is eligible to receive assistance under part A of title I for the fiscal year in an amount that bears the same relation to the allotted funds that are not reserved under section 2355 as the amount the local educational agency received under such part for the fiscal year bears to the amount all local educational agencies in all States received under such part for the fiscal year.

''(b) APPLICATIONS.—Each local educational agency desiring a grant under this part shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require. The application shall include—

''(1) a description of how the local educational agency plans—

''(A) to work with schools served by the local educational agency that are described in section 2357 to carry out the local activities described in section 2357; and

''(B) to meet the purposes described in section 2351;

''(2) a description of the manner in which the local educational agency will ensure that—

''(A) the grant funds will be used—

''(i) to provide teachers with the knowledge and skills necessary to teach students to be proficient or advanced in challenging State content standards and challenging State student performance standards, and any local education reform plans or policies; and

''(ii) to help teachers meet standards for teaching excellence; and

''(B) funds provided under this part will be effectively coordinated with all Federal, State, and local professional development funds and activities;

''(3) a description of the local educational agency's strategy for—

''(A) selecting and training highly qualified mentors (utilizing teachers certified by the National Board for Professional Teaching Standards and teachers granted advanced certification as a master or mentor teacher by the State, where possible), for matching such mentors (from the new teachers' teaching disciplines) with the new teachers; and

''(B) providing release time for the teachers (utilizing highly qualified substitute teachers and high quality retired teachers, where possible);

''(4) a description of how the local educational agency will collect and analyze data on the quality and impact of activities carried out in schools under this part, and the specific performance measures the local educational agency will use in the local educational agency's evaluation process;

''(5) a description of the local educational agency's plan to develop and carry out the activities described in section 2357 with the extensive participation of administrators, teachers, parents, and the partnering institution described in section 2357(4); and

''(6) a description of the local educational agency's strategy to ensure that there is schoolwide participation in the schools to be served.

''SEC. 2357. LOCAL ACTIVITIES.

''Each local educational agency receiving an allocation under this part shall use the allocation to carry out professional development activities in schools served by the local educational agency that have the highest percentages of students living in poverty, as measured in accordance with section 1113(a)(5), including—

''(1) mentoring, team teaching, and peer observation and coaching;

''(2) dedicated time for collaborative lesson planning and curriculum development meetings;

''(3) consultation with exemplary teachers and short- and long-term visits to other classrooms and schools;

''(4) partnering with institutions of higher education and, where appropriate, educational nonprofit organizations, for joint efforts in designing the sustained professional development opportunities, for providing advanced content area courses and other assistance to improve the content knowledge and pedagogical practices of teachers, and, where appropriate, for providing training to address areas of teacher and administrator shortages;

''(5) providing release time (including compensation for mentor teachers and substitute teachers as necessary) for activities described in this section; and

''(6) developing professional development networks, through Internet links, where available, that—

''(A) provide a forum for interaction among teachers and administrators; and

''(B) allow the exchange of information regarding advances in content and pedagogy.

"SEC. 2358. CONTINUATION OF FUNDING.

''Each local educational agency or school that receives funding under this part shall be eligible to continue to receive the funding after the third year the local educational agency or school receives the funding if the local educational agency or school demonstrates that the local educational agency or school has—

''(1) improved student performance;

''(2) increased participation in sustained professional development; and

''(3) made significant progress toward at least 1 of the following:

''(A) Reducing the number of out-of-field placements and teachers with emergency credentials.

''(B) Improving teaching practice.

''(C) Reducing the new teacher attrition rate for the local educational agency or school.

''(D) Increasing partnerships and linkages with institutions of higher education.

"SEC. 2359. SUPPLEMENT NOT SUPPLANT.

''Funds made available under this part shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to teacher programs or professional development.

"SEC. 2360. NATIONAL ACTIVITIES.

''(a) RESERVATION.—The Secretary shall reserve not more than 5 percent of the amount appropriated under section 2361 for each fiscal year for the national evaluation described in subsection (b) and the dissemination activities described in subsection (c).

''(b) NATIONAL EVALUATION.—

''(1) IN GENERAL.—The Secretary shall provide for an annual, independent, national evaluation of the activities assisted under this part not later than 3 years after the date of enactment of the Professional Development Reform Act. The evaluation shall include information on the impact of the activities assisted under this part on student performance.

''(2) STATE REPORTS.—Each State receiving an allotment under this part shall submit to the Secretary the results of the evaluation described under section 2355(3).

''(3) REPORT TO CONGRESS.—The Secretary annually shall submit to Congress a report that describes the information in the national evaluation and the State reports.

''(c) DISSEMINATION.—The Secretary shall collect and broadly disseminate information (including creating and maintaining a national database or clearinghouse) to help States, local educational agencies, schools, teachers, and institutions of higher education learn about effective professional development policies, practices, and programs, data projections of teacher and administrator supply and demand, and available teaching and administrator opportunities.

"SEC. 2361. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.''.

By Mr. HARKIN (for himself, Mrs. LINCOLN, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1443. A bill to amend section 10102 of the Elementary and Secondary Education Act of 1995 regarding elementary school and secondary school counseling; to the Committee on Health, Education, Labor, and Pensions.

ELEMENTARY AND SECONDARY SCHOOL COUNSELING IMPROVEMENT ACT OF 1999

Mr. HARKIN. Mr President, in April, the nation was rocked by an unspeakable act of violence at Columbine High School in Littleton, Colorado. Twelve innocent students, a heroic teacher and the two student gunmen were killed in the 8th deadly school shooting in 39 months.

Since that tragic incident, there has been a nation wide discussion on the causes of such violence and a search for solutions to prevent such occurrences in the future. I would like to take a few moments to discuss one innovative program that can help us prevent violent acts from happening in the first place.

Mr. President, children today are subjected to unprecedented social stresses, including the fragmentation of the family, drug and alcohol abuse, violence, child abuse and poverty. In 1988, the Des Moines Independent School District recognized the situation confronting young students and expanded counseling services in elementary schools.

The expanded counseling program—Smoother Sailing operates on the simple premise that we must get to kids early to prevent problems rather than waiting for a crisis. As a result, the district more than tripled the number of elementary school counselors to make sure that at least one well-trained professional is available in every single elementary school building.

Smoother Sailing began as a pilot program in 10 elementary schools. The program increased the number of counselors in the elementary schools so there is one counselor for every 250 students—the ratio recommended for an effective program. The participating schools began seeing many positive changes.

After two years, the schools participating in Smoother Sailing saw a dramatic reduction in the number of students referred to the office for disciplinary reasons.

During the 1987–88 school year, 157 students were referred to the office for disciplinary action. After two years of Smoother Sailing, the number of office referrals in those schools dropped to 83—a 47% reduction in office referrals.

During the same period, Des Moines elementary schools with a traditional crisis intervention counseling program had only a 21% reduction in office referrals.

There were other changes as well. Teachers in Smoother Sailing schools reported fewer classroom disturbances and principals noticed fewer fights in the cafeteria and on the playground. The schools and classrooms had become more disciplined learning environments. It was clear that Smoother Sailing was making a difference so the counseling program was expanded to all 42 elementary schools in Des Moines in 1990.

Smoother Sailing continues to be a success.

Smoother Sailing helps students solve problems in a positive manner. Assessments of 4th and 5th grade students show that students can generate more than one solution to a problem. Further, the types of solutions were positive and proactive. We know that the ability to effectively solve problems is essential for helping students make the right decisions when confronted with violence or drugs.

Smoother Sailing gets high marks in surveys of administrators, teachers and parents. They report a high degree of satisfaction with the program.

Ninety-five percent of parents surveyed said the counselor is a valuable part of my child's educational development. Ninety-three percent said they would seek assistance from the counselor if the child was experiencing difficulties at school.

Administrators credit Smoother Sailing with decreasing the number of student suspensions and referrals to the office for disciplinary action. In addition, principals report that the program is responsible for creating an atmosphere that is conducive to learning.

Experts tell us that to be effective, there should be at least one counselor for every 250 students. Unfortunately, the current student:counselor ratio is more than double the recommended level—it is 531:1. That means counselors are stretched to the limit and cannot devote the kind of attention to children that is needed.

In most schools, the majority of counselors are employed at the middle and secondary levels. Therefore, the situation is more acute in elementary schools where the student to counselor ratio is greater than 1000:1.

Mr. President, Smoother Sailing was the model for the Elementary School Counseling Demonstration Act, a section of the Elementary and Secondary School Act.

Today, along with Senators LINCOLN and WELLSTONE, I am introducing the Elementary and Secondary School Counseling Improvement Act of 1999. This legislation does three things.

First, it reauthorizes the Elementary School Counseling Demonstration Act and expands services to secondary schools.

Second, it authorizes $100 million in funding to hire school counselors, school psychologists and school social workers.

Finally, since the counselor shortage is particularly acute in elementary schools, the amendment requires that the first $60 million appropriated would go to provide grants for elementary schools.

Mr. President, CNN and USA Today recently conducted a public opinion poll of Americans. They asked what would make a difference in preventing a future outbreak of violence in our nation's schools.

The leading response was to restrict access to firearms. The second most popular response—a response selected by 60% of those polled—was to increase the number of counselors in our nation's schools.

We should heed the advice of the American people. We have a desperate

need to improve counseling services in our nation's schools and this legislation will be an important step in addressing this critical issue. I urge my colleagues to support this legislation.

This legislation is supported by several organizations—the American Counseling Association, the American School Counseling Association, the American Psychological Association, the National Association of School Psychologists, the School of Social Work Association of America and the National Association of Social Workers. I ask unanimous consent that a copy of the letter be printed in the RECORD.

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

JULY 26, 1999.

DEAR SENATOR. We are writing to urge your support of the ''Elementary and Secondary Counseling Improvement Act'' introduced by Senator Tom Harkin (D–IA). The Act would increase and expand access to much needed counseling and mental health services for children in our nation's elementary and secondary schools.

According to the National Institute of Mental Health (NIMH), although 7.5 million children under the age of 18 require mental health services, only one in five receive them. As the tragedy of this year's school shootings remind us, students have mental, emotional, and behavioral needs which require the services of qualified counseling professionals. Additionally, counseling and mental health services are essential to help teachers provide quality instruction and enable students to achieve to high academic standards.

Unfortunately, in schools across the nation, the supply of qualified school counselors, school psychologists and school social workers is scarce. The U.S. average student-to-counselor ratio is 513:1. In states like California and Minnesota, one counselor serves more than 1,000 students, and in other states, one school psychologist serves as many as 2,300 students. Similar caseloads exist for school social workers; in one county in Georgia, one school social worker is responsible for over 4,000 students. These ratios make it nearly impossible for students to get the counseling and mental health services they need. This serious shortage of qualified professionals has undermined efforts to make schools safe, improve academic achievement, and has overly burdened teachers.

High caseloads are not the only obstacle facing a student in need of help. School counselors, school psychologists, and school social workers are often charged with miscellaneous administrative or paperwork duties, and may spend almost a quarter of their time on these tasks. Providers need to be able to provide direct services to student, teachers, families, and staff in schools.

The Elementary School Counseling Demonstration Act (ESCD) was first enacted with bi-partisan support as part of the Improving America's Schools Act in 1994. The Act provided counseling services through qualified school counselors, school psychologists, and school social workers. Senator Harkin's ''Elementary and Secondary Counseling Improvement Act'' would reauthorize the Elementary School Counseling Demonstration, and expand services to secondary schools.

The Elementary and Secondary Counseling Improvement Act would provide funding to schools to expand counseling programs and services provided by only hiring qualified school counselors, school psychologists, and social workers. The Act ensures that programs funded will be comprehensive and accountable by requiring that applicants:

Design the program to be developmental and preventative; Provide in-service training for school counselors, school psychologists, and school social workers; Convene an advisory board composed of parents, counseling professionals, teachers, school administrators, and community leaders to oversee the design and implementation of the program; and Require that counseling professionals spend at least 85% of their work time providing direct services to students and no more than 15% on administrative tasks.

We urge you to support Senator Harkin's Elementary and Secondary Counseling Improvement Act.

Sincerely,

American Counseling Association (AA).

American Psychological Association (APA).

National Association of School Psychologists (NASP).

National Association of Social Workers (NASW).

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

S. 1444. A bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction; to the Committee on Finance.

EXPANSION OF THE STUDENT LOAN INTEREST DEDUCTION

Mr. GRASSLEY. Mr. President, I am joined today by Senator BURNS introducing legislation to expand the student loan interest deduction. Specifically, my bill will repeal the sixty-month payment limitation and increase the income levels qualifying students for the tax deduction for student loan interest. I previously presented the elimination of the sixty-month student loan deductibility restriction in a bill in February. As a member of the Finance Committee, I have asked that both it and the income limit expansion I now propose be included in the Reconciliation bill that will be before the Senate this week. I am happy to report that both are in the committee reported bill.

In a move detrimental to the education of our nation's students, the Tax Reform Act of 1986 eliminated the tax deduction for student loan interest. Deeply troubled that this important relief was no longer available to young women and men trying to start their careers, since 1987 my colleagues on both sides of the aisle and I have sought to ease the heavy burden of paying back student loans by reinstating the tax deduction. In 1992, we succeeded in passing legislation to restore the deduction for student loan interest, only to be stymied by a veto as part of a larger bill with tax increases. After ten arduous years, our persistent work on behalf of America's students finally came to fruition when we succeeded in reinstating the deduction under the Taxpayer Relief Act of 1997. Our victory demonstrated Congress' sincere commitment to making educational opportunities available to all students and families across the nation, and confirmed our willingness to assist young Americans in acquiring the best education possible by easing the financial hardship they face.

While our endeavors in 1997 were progressive, we were unable to go as far as we wanted to go due to financial constraints. Because the nation was still in a fiscal crisis at that time, we were compelled to limit the deductibility of student loan interest to sixty payments, and to only those taxpayers with an adjusted gross income of between $40,000 and $55,000 filing individually or between $60,000 and $75,000 for married couples. Additionally, the deduction itself was phased in at $1000, and will cap out at $2500 in 2002.

In keeping the income limits for the deduction at such low income levels, we are letting a great opportunity to assist more young Americans pass us by. Setting the income cap at the current low mark does a disservice to some of our nation's most needy collegiate borrowers. A great number of students are forced to borrow heavily to acquire an education that will allow them to stay competitive in our global economy. The present income restriction punishes resourceful students who land jobs which pay salaries slightly above the meager cap, even though they may have been forced to borrow heavily to obtain their education due to limited means.

Currently, the deductibility of student loan interest is limited to a mere sixty loan payments, equivalent to five years plus time spent in forbearance or deferment. This payment limitation, like the income restriction, was put in place during our fiscal difficulties of 1997. Since we are now experiencing a great budget surplus with our booming economy, Congress now has the ability to expand on both of these areas where previously we were forced to scale back. As mentioned, I already introduced a bill, S. 471, that would eliminate the 60-month limit on student loan interest reductions.

Fortunately, our situation today is quite different than when we made our original improvements in 1997. Now, with our robust economy and budget surplus, we have a splendid opportunity to do what we were unable to do before. As the price of going to college has continued to spiral upward, student debt has risen to appalling levels. We must not shrink from our responsibility to provide additional relief to our students. We should repeal the sixty-month payment limitation. We should increase the income levels from $40,000 to $50,000 for single students, and, eliminating any marriage penalty, increase from $60,000 to $100,000 for married couples. The amount of the deduction would then be gradually phased out for taxpayers with incomes between $50,000 and $65,000 filing individually and between $100,000 and $115,000 for married couples. Let our actions clearly demonstrate that the United States Congress stands behind

all of our nation's students in their efforts to better their lives.

By expanding the student loan interest deduction, we will bring vital relief to some of our most deserving borrowers seeking the American dream. Rather than penalizing resourceful students who find jobs with incomes above the present cap, we will be rewarding the hard work and ingenuity of our students. We must continue to support young Americans who land jobs with salaries slightly above our current threshold yet still needing financial assistance.

Excessive student debt is a major problem for many students. As people in a position to help them, Congress must seek out more ways to be of service to our young people. In this time of economic plenty, it is our duty to invest in our students' education, for to do so is an investment in America's future. A well-deducted workforce is vital to maintain competitiveness in an ever-changing global economy. By broadening the income limits to receive the tax deduction for student loan interest, we demonstrate our commitment to education and maintaining the position of the United States at the pinnacle of the free world.

I urge my colleagues to join me in this effort to relieve the excessive burdens on those trying to better themselves and their families through education by loosening the income limits to quality for the tax deduction for student loan interest payments and eliminating the sixty-month payment limitation.

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

S. 1445. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

PATIENT ABUSE PREVENTION ACT

Mr. KOHL. Mr. President, I rise today to reintroduce the Patient Abuse Prevention Act. I am pleased to be joined in this effort by Senator REID, who has worked tirelessly with me on this important legislation.

This bill is the product of collaboration and input from the administration, the health care industry, patient and employee advocates—who all have the same goal I do: protecting patients in long-term care from abuse, neglect, and mistreatment.

Last fall, the Department of Health and Human Services Office of Inspector General issued a report describing how easy it is for people with abusive and criminal backgrounds to find work in nursing homes. On September 14 of last year, the Senate Aging Committee held hearings on this disturbing problem, where we heard horrifying stories of elderly patients being abused by the very people who are charged with their care. While the vast majority of nursing home workers are dedicated and professional, even one instance of abuse is inexcusable. This should not be happening in a single nursing home in America.

Mr. President, it is estimated that more than 43 percent of Americans over the age of 65 will likely spend time in a nursing home. The number of people needing long-term care services will continue to increase as the Baby Boom generation ages. The vast majority of nursing homes, home health agencies and hospices do an excellent job in caring for their patients. But it only takes a few abusive staff to cast a dark shadow over what should be a healing environment.

A disturbing number of cases have been reported where workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. In 1997, the Milwaukee Journal-Sentinel ran a series of articles describing this problem, which led my home State of Wisconsin to pass a criminal background check law for health care workers. The legislation I introduce today follows their example and builds on their efforts.

Why is it necessary to act? Because it is just far too easy for a worker with a history of abuse to find employment and prey on the most vulnerable patients. The OIG report found that 5 percent of nursing home employees in two States had prior criminal records. The OIG also found that between 15–20 percent of those convicted of patient abuse had prior criminal records. It is just too easy for known abusers to find work in health care and continue to prey on patients.

Current state and national safeguards are inadequate to screen out abusive workers. All States are required to maintain registries of abusive nurse aides. But nurse aids are not the only workers involved in abuse, and other workers are not tracked at all. Even worse, there is no system to coordinate information about abusive nurse aides between States. A known abuser in Iowa would have little trouble moving to Wisconsin and continuing to work with patients there.

In addition, there is no Federal requirement that long-term care facilities conduct criminal background checks on prospective employees. People with violent criminal backgrounds—people who have already been convicted of murder, rape, and assault—could easily get a job in a nursing home or other health care setting without their past ever being discovered.

Our legislative will go a long way toward solving this problem. First, it will create a National Registry of abusive long-term care employees. States will be required to submit information from their current State registries to the National Registry. Facilities will be required to check the National Registry before hiring a prospective worker. Any worker with a substantiated finding of patient abuse will be prohibited from working in long-term care.

Second, the bill provides a second line of defense to protect patients from violent criminals. If the National Registry does not contain information about a prospective worker, the facility is then required to initiate an FBI background check. Any conviction for patient abuse or a relevant violent crime would bar that applicant from working with patients.

I realize that this legislation will not solve all instances of abuse. We still need to do more to stop abuse from occurring in the first place. But this bill will ensure that those who have already abused an elderly or disabled patient, and those who have committed violent crimes against people in the past, are kept away from vulnerable patients.

Mr. President, I want to repeat that I strongly believe that most long-term care providers and their staff work hard to deliver the highest quality care. However, it is imperative that Congress act immediately to get rid of those that don't. When a patient checks into a nursing home or hospice, or receives home health care, they should not have to give up their right to be free from abuse, neglect, or mistreatment.

Our nation's seniors made our country what it is today. It is our obligation to make sure we treat them with the dignity, care, and respect they deserve. I look forward to continuing to work with my colleagues, the administration, and the health care industry in this effort to protect patients. Our nation's seniors and disabled deserve nothing less than our full attention.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD. I also ask unanimous consent that a letter of support for this legislation from the National Citizens' Coalition for Nursing Home Reform be included in the RECORD.

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

S. 1445

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 ''Patient Abuse Prevention Act''.

SEC. 2. ESTABLISHMENT OF PROGRAM TO PREVENT ABUSE OF NURSING FACILITY RESIDENTS.

(a) NURSING FACILITY AND SKILLED NURSING FACILITY REQUIREMENTS.—

(1) MEDICAID PROGRAM.—Section 1919(b) of the Social Security Act (42 U.S.C. 1396r(b)) is amended by adding at the end the following:

''(8) SCREENING OF NURSING FACILITY WORKERS.—

''(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a nursing facility worker, a nursing facility shall—

''(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

''(ii) require, as a condition of employment, that such worker—

''(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

''(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

''(III) provide in person a copy of the worker's fingerprints; and

''(IV) provide any other identification information the Secretary may specify in regulation;

''(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

''(iv) if that system does not contain any such disqualifying information—

''(I) request that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(8); and

''(II) furnish to the State the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

''(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

''(i) IN GENERAL.—A nursing facility may not knowingly employ any nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

''(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a nursing facility may provide for a provisional period of employment for a nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the worker during the worker's provisional period of employment.

''(C) REPORTING REQUIREMENTS.—A nursing facility shall report to the State any instance in which the facility determines that a nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

''(D) USE OF INFORMATION.—

''(i) IN GENERAL.—A nursing facility that obtains information about a nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

''(ii) IMMUNITY FROM LIABILITY.—A nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(8) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

''(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

''(E) CIVIL PENALTY.—

''(i) IN GENERAL.—A nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

''(I) for the first such violation, $2,000; and

''(II) for the second and each subsequent violation within any 5-year period, $5,000.

''(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a nursing facility that—

''(I) knowingly continues to employ a nursing facility worker in violation of subparagraph (A) or (B); or

''(II) knowingly fails to report a nursing facility worker under subparagraph (C);

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

''(F) DEFINITIONS.—In this paragraph:

''(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

''(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

''(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

''(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

''(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a nursing facility worker has committed—

''(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

''(II) such other types of acts as the Secretary may specify in regulations.

''(iv) NURSING FACILITY WORKER.—The term 'nursing facility worker' means any individual (other than any volunteer) that has direct access to a patient of a nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.''.

(2) MEDICARE PROGRAM.—Section 1819(b) of the Social Security Act (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following:

''(8) SCREENING OF SKILLED NURSING FACILITY WORKERS.—

''(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a skilled nursing facility worker, a skilled nursing facility shall—

''(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

''(ii) require, as a condition of employment, that such worker—

''(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

''(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

''(III) provide in person a copy of the worker's fingerprints; and

''(IV) provide any other identification information the Secretary may specify in regulation;

''(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

''(iv) if that system does not contain any such disqualifying information—

''(I) request that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(6); and

''(II) furnish to the State the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

''(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

''(i) IN GENERAL.—A skilled nursing facility may not knowingly employ any skilled nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

''(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a skilled nursing facility may provide for a provisional period of employment for a skilled nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the covered individual during the worker's provisional period of employment.

''(C) REPORTING REQUIREMENTS.—A skilled nursing facility shall report to the State any instance in which the facility determines that a skilled nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

''(D) USE OF INFORMATION.—

''(i) IN GENERAL.—A skilled nursing facility that obtains information about a skilled nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

''(ii) IMMUNITY FROM LIABILITY.—A skilled nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(6) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

''(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

''(E) CIVIL PENALTY.—

''(i) IN GENERAL.—A skilled nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

''(I) for the first such violation, $2,000; and

''(II) for the second and each subsequent violation within any 5-year period, $5,000.

''(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a skilled nursing facility that—

''(I) knowingly continues to employ a skilled nursing facility worker in violation of subparagraph (A) or (B); or

''(II) knowingly fails to report a skilled nursing facility worker under subparagraph (C);

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

''(F) DEFINITIONS.—In this paragraph:

''(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

''(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

''(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

''(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

''(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a skilled nursing facility worker has committed—

''(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

''(II) such other types of acts as the Secretary may specify in regulations.

''(iv) SKILLED NURSING FACILITY WORKER.—The term 'skilled nursing facility worker' means any individual (other than any volunteer) that has direct access to a patient of a skilled nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.''.

(b) STATE REQUIREMENTS.—

(1) MEDICAID PROGRAM.—

(A) EXPANSION OF STATE REGISTRY TO COLLECT INFORMATION ABOUT NURSING FACILITY EMPLOYEES OTHER THAN NURSE AIDES.—Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking ''NURSE AIDE REGISTRY'' and inserting ''NURSING FACILITY EMPLOYEE REGISTRY'';

(II) in subparagraph (A)—

(aa) by striking ''By not later than January 1, 1989, the'' and inserting ''The'';

(bb) by striking ''a registry of all individuals'' and inserting ''a registry of (I) all individuals''; and

(cc) by inserting before the period '', and (II) all other nursing facility employees with respect to whom the State has made a finding described in subparagraph (B)'';

(III) in subparagraph (B), by striking ''involving an individual listed in the registry'' and inserting ''involving a nursing facility employee''; and

(IV) in subparagraph (C), by striking ''nurse aide'' and inserting ''nursing facility employee or applicant for employment''; and

(ii) in subsection (g)(1)—

(I) in subparagraph (C)—

(aa) in the first sentence, by striking ''nurse aide'' and inserting ''nursing facility employee''; and

(bb) in the third sentence, by striking ''nurse aide'' each place it appears and inserting ''nursing facility employee''; and

(II) in subparagraph (D), by striking ''nurse aide'' each place it appears and inserting ''nursing facility employee''.

(B) FEDERAL AND STATE REQUIREMENT TO CONDUCT BACKGROUND CHECKS.—Section 1919(e) of the Social Security Act (42 U.S.C. 1396r(e)) is amended by adding at the end the following:

''(8) FEDERAL AND STATE REQUIREMENTS CONCERNING CRIMINAL BACKGROUND CHECKS ON NURSING FACILITY EMPLOYEES.—

''(A) IN GENERAL.—Upon receipt of a request by a nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

''(B) SEARCH AND EXCHANGE OF RECORDS BY ATTORNEY GENERAL.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints or other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

''(C) STATE REPORTING OF INFORMATION TO NURSING FACILITY.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

''(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

''(ii) report to the nursing facility the results of such review; and

''(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

''(D) FEES FOR PERFORMANCE OF CRIMINAL BACKGROUND CHECKS.—

''(i) AUTHORITY TO CHARGE FEES.—

''(I) ATTORNEY GENERAL.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation, until expended.

''(II) STATE.—A State may charge a nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

''(ii) PROHIBITION ON CHARGING APPLICANTS OR EMPLOYEES.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

''(E) REGULATIONS.—

''(i) IN GENERAL.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(8), including regulations regarding the security, confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

''(ii) APPEAL PROCEDURES.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

''(F) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

''(i) the number of requests for searches and exchanges of records made under this section;

''(ii) the disposition of such requests; and

''(iii) the cost of responding to such requests.''.

(2) MEDICARE PROGRAM.—

(A) EXPANSION OF STATE REGISTRY TO COLLECT INFORMATION ABOUT SKILLED NURSING FACILITY EMPLOYEES OTHER THAN NURSE AIDES.—Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking ''NURSE AIDE REGISTRY'' and inserting ''SKILLED NURSING CARE EMPLOYEE REGISTRY'';

(II) in subparagraph (A)—

(aa) by striking ''By not later than January 1, 1989, the'' and inserting ''The'';

(bb) by striking ''a registry of all individuals'' and inserting ''a registry of (I) all individuals''; and

(cc) by inserting before the period '', and (II) all other skilled nursing facility employees with respect to whom the State has made a finding described in subparagraph (B)'';

(III) in subparagraph (B), by striking ''involving an individual listed in the registry'' and inserting ''involving a skilled nursing facility employee''; and

(IV) in subparagraph (C), by striking ''nurse aide'' and inserting ''skilled nursing facility employee or applicant for employment''; and

(ii) in subsection (g)(1)—

(I) in subparagraph (C)—

(aa) in the first sentence, by striking ''nurse aide'' and inserting ''skilled nursing facility employee''; and

(bb) in the third sentence, by striking ''nurse aide'' each place it appears and inserting ''skilled nursing facility employee''; and

(II) in subparagraph (D), by striking ''nurse aide'' each place it appears and inserting ''skilled nursing facility employee''.

(B) FEDERAL AND STATE REQUIREMENT TO CONDUCT BACKGROUND CHECKS.—Section 1819(e) of the Social Security Act (42 U.S.C. 1395i–3(e)) is amended by adding at the end the following:

''(6) FEDERAL AND STATE REQUIREMENTS CONCERNING CRIMINAL BACKGROUND CHECKS ON SKILLED NURSING FACILITY EMPLOYEES.—

''(A) IN GENERAL.—Upon receipt of a request by a skilled nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

''(B) SEARCH AND EXCHANGE OF RECORDS BY ATTORNEY GENERAL.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the

records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints or other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

''(C) STATE REPORTING OF INFORMATION TO SKILLED NURSING FACILITY.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

''(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

''(ii) report to the skilled nursing facility the results of such review; and

''(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

''(D) FEES FOR PERFORMANCE OF CRIMINAL BACKGROUND CHECKS.—

''(i) AUTHORITY TO CHARGE FEES.—

''(I) ATTORNEY GENERAL.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation until expended.

''(II) STATE.—A State may charge a skilled nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

''(ii) PROHIBITION ON CHARGING APPLICANTS OR EMPLOYEES.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

''(E) REGULATIONS.—

''(i) IN GENERAL.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(9), including regulations regarding the security confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

''(ii) APPEAL PROCEDURES.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

''(F) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

''(i) the number of requests for searches and exchanges of records made under this section;

''(ii) the disposition of such requests; and

''(iii) the cost of responding to such requests.''.

(c) APPLICATION TO OTHER ENTITIES PROVIDING LONG-TERM CARE SERVICES.—

(1) MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (65), by striking the period and inserting ''; and''; and

(B) by inserting after paragraph (65) the following:

''(66) provide that any entity that is eligible to be paid under the State plan for providing long-term care services for which medical assistance is available under the State plan to individuals requiring long-term care complies with the requirements of subsections (b)(8) and (e)(8) of section 1919.''.

(2) MEDICARE.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

''APPLICATION OF SKILLED NURSING FACILITY PREVENTIVE ABUSE PROVISIONS TO ANY PROVIDER OF SERVICES OR OTHER ENTITY PROVIDING LONG-TERM CARE SERVICES

''SEC. 1897. The requirements of subsections (b)(8) and (e)(6) of section 1819 shall apply to any provider of services or any other entity that is eligible to be paid under this title for providing long-term care services to an individual entitled to benefits under part A or enrolled under part B (including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C).''.

(d) REIMBURSEMENT OF REASONABLE COSTS FOR BACKGROUND CHECKS.—The Secretary of Health and Human Services shall factor into any payment system under titles XVIII and XIX of the Social Security Act the reasonable costs of the requirements of sections 1819(b)(8) and 1919(b)(8) of such Act, as added by this section, incurred by any entity subject to such requirements.

SEC. 3. INCLUSION OF ABUSIVE NURSING FACILITY WORKERS IN THE DATABASE ESTABLISHED AS PART OF NATIONAL HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) INCLUSION OF ABUSIVE ACTS WITHIN A LONG-TERM CARE FACILITY.—Section 1128E(g)(1)(A) of the Social Security Act (42 U.S.C. 1320a–7e(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv), the following:

''(v) A finding of abuse or neglect of a patient or a resident of a long-term care facility, or misappropriation of such a patient's or resident's property.''.

(b) COVERAGE OF LONG-TERM CARE FACILITY EMPLOYEES.—Section 1128E(g)(2) of the Social Security Act (42 U.S.C. 1320a–7e(g)(2)) is amended by inserting '', and includes any individual of a long-term care facility (other than any volunteer) that has direct access to a patient or resident of such a facility under an employment or other contract, or both, with the facility (including individuals who are licensed or certified by the State to provide services at the facility, and nonlicensed individuals, as defined by the Secretary, providing services at the facility, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants)'' before the period.

(c) REPORTING BY LONG-TERM CARE FACILITIES.—

(1) IN GENERAL.—Section 1128E(b)(1) of the Social Security Act (42 U.S.C. 1320a–7e(b)(1)) is amended by striking ''and health plan'' and inserting '', health plan, and long-term care facility''.

(2) CORRECTION OF INFORMATION.—Section 1128E(c)(2) of the Social Security Act (42 U.S.C. 1320a–7e(c)(2)) is amended by striking ''and health plan'' and inserting '', health plan, and long-term care facility''.

(d) ACCESS TO REPORTED INFORMATION.—Section 1128E(d)(1) of the Social Security Act (42 U.S.C. 1320a–7e(d)(1)) is amended by striking ''and health plans'' and inserting '', health plans, and long-term care facilities''.

(e) MANDATORY CHECK OF DATABASE BY LONG-TERM CARE FACILITIES.—Section 1128E(d) of the Social Security Act (42 U.S.C. 1320a–7e(d)) is amended by adding at the end the following:

''(3) MANDATORY CHECK OF DATABASE BY LONG-TERM CARE FACILITIES.—A long-term care facility shall check the database maintained under this section prior to hiring under an employment or other contract, or both, any individual as an employee of such a facility who will have direct access to a patient or resident of the facility (including individuals who are licensed or certified by the State to provide services at the facility, and nonlicensed individuals, as defined by the Secretary, that will provide services at the facility, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants).''.

(f) DEFINITION OF LONG-TERM CARE FACILITY.—Section 1128E(g) of the Social Security Act (42 U.S.C. 1320a–7e(g)) is amended by adding at the end the following:

''(6) LONG-TERM CARE FACILITY.—The term 'long-term care facility' means a skilled nursing facility (as defined in section 1819(a)), a nursing facility (as defined in section 1919(a)), a home health agency, a hospice facility, an intermediate care facility for the mentally retarded (as defined in section 1905(d)), or any other facility that provides long-term care services and receives payment for such services under the medicare program under title XVIII or the medicaid program under title XIX.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendments made by this section, $10,200,000 for fiscal year 2000.

SEC. 4. PREVENTION AND TRAINING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a demonstration program to provide grants to develop information on best practices in patient abuse prevention training (including behavior training and interventions) for managers and staff of hospital and health care facilities.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall be a public or private nonprofit entity and prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts received under a grant under this section shall be used to—

(1) examine ways to improve collaboration between State health care survey and provider certification agencies, long-term care ombudsman programs, the long-term care industry, and local community members;

(2) examine patient care issues relating to regulatory oversight, community involvement, and facility staffing and management with a focus on staff training, staff stress management, and staff supervision;

(3) examine the use of patient abuse prevention training programs by long-term care entities, including the training program developed by the National Association of Attorneys General, and the extent to which such programs are used; and

(4) identify and disseminate best practices for preventing and reducing patient abuse.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such

sums as may be necessary to carry out this section.

SEC. 5. EFFECTIVE DATE.

The provisions of and amendments made by the Act shall apply, without regard to whether implementing regulations are in effect, to any individual applying for employment or hired for such employment—

(1) by any skilled nursing facility (as defined in section 1819(a) of the Social Security Act) or any nursing facility (as defined in section 1919(a) of such Act), on or after the date which is 6 months after the date of enactment of this Act,

(2) by any home health agency, on or after the date which is 12 months after such date of enactment, and

(3) by any hospice facility, any intermediate care facility for the mentally retarded (as defined in section 1905(d) of the Social Security Act), or any other facility that provides long-term care services and receives payment for such services under the medicare program under title XVIII of such Act or the medicaid program under title XIX of such Act, on or after the date which is 18 months after such date of enactment.

NATIONAL CITIZENS' COALITION FOR NURSING HOME REFORM,
Washington, DC, July 21, 1999.

Hon. HERBERT KOHL,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: The National Citizens' Coalition for Nursing Home Reform (NCCNHR) commends you and your staff for your initiative in seeking to improve care and conditions in long-term care facilities. NCCNHR is a non-profit consumer organization whose mission is to improve the quality of care and life for long term care residents. Our organization represents residents and their advocates. We work closely with the nation's long-term care ombudsmen and house the National Long Term Care Ombudsman Resource Center.

We strongly support your proposed legislation cited as the Patient Abuse Prevention Act, which would require criminal background checks for nursing home workers. This legislation would provide residents protection from individuals with a history of committing crimes against residents. It would also create a much needed National Registry for long-term care employees with a history of abuse, to be used by nursing homes hiring employees for their facilities.

In particular, NCCNHR applauds your revisions to last year's bill, the ''Long-Term Care Patient Protection Act of 1998'' to include (1) a requirement that criminal background checks of employees will be conducted in all facilities (including specifically, nursing homes, home health, and hospices); (2) that applicants may not be charged for the costs of the checks; (3) that applicants who challenge the accuracy of the background check will also be able to appeal the decision and (4) that there is no longer a prohibition on Medicare and Medicaid reimbursement for the costs of conducting background checks.

We strongly urge, however, that the legislation also expand its language to provide criminal background checks on all long-term care workers and not just employees who have direct access to residents. Considering the vulnerability of long-term care residents, criminal background checks should be conducted on all workers, including contract workers, in all health care settings, including home care, and assisted living.

Again, NCCNHR congratulates you, Senator Kohl, on your persistence and foresight. If you need further information, contact me or Ana Rivas-Beck, J.D., Law and Policy Specialist.

Sincerely,

ELMA HOLDER,
Founder.

Mr. REID. Mr. President, I rise today to join my colleague, Senator KOHL, in introducing the ''Patient Abuse Prevention Act.'' This legislation would help protect our nation's most vulnerable citizens by keeping workers with criminal and abusive backgrounds out of our long-term care facilities.

It is simply too easy for workers with criminal or abusive histories to gain employment in long-term care facilities. A report released last year by the Office of the Inspector General at the Department of Health and Human Services (HHS) confirmed that current regulations were not sufficient to protect the frail and elderly from being placed in the hands of known abusers and criminals. If we do not take steps to keep workers with criminal and abusive backgrounds out of our long-term care facilities, the growing number of reports of abuse and theft in these facilities will only continue to increase.

The ''Patient Abuse Prevention Act'' would give employers the tools they need to weed out potential employees who are unfit to provide care to the elderly because of abusive or criminal backgrounds. Our bill would create a national registry of abusive workers within an existing database at HHS. It would also expand existing State nurse aide registries to include substantiated findings of abuse by all facility employees, not just nurse aides. States would submit any existing or newly acquired information contained in the State registries to the national registry. This would ensure that once an employee is added to the national registry, the offender will not be able to simply cross state lines and find employment in another facility where he may continue to prey on the frail and elderly.

Our bill would require all long-term care facilities to initiate a search of the national registry of abusive workers when considering a potential employee. If the prospective employee is not listed on the registry, the facility would then conduct a State and national criminal background check on the individual through the Federal Bureau of Investigations.

The Inspector General for the Department of Health and Human Services reports that 46 percent of facilities believe that incidents of abuse are under-reported. Our bill would require long-term care facilities to report all instances of resident neglect, abuse, or theft by an employee to the State. This would ensure that offenders are reported and added to the national registry before they have the opportunity to strike again.

Over the past few years, Senator KOHL and I have worked to ensure that our frail and elderly are not placed in the hands of criminals. During the 105th Congress, we introduced similar legislation and conducted hearings through the Senate Special Committee on Aging. This bill is a culmination of our efforts to institute greater protections for all residents of long-term care facilities.

One of the most difficult times for any individual or family is when they must make the decision to rely upon the support and services of a long-term care facility. Families should not have to live with the fear that their loved one is being left in the hands of a criminal. Last year, Richard Meyer testified before the Senate Aging Committee about the sexual assault of his 92-year-old mother by a male certified nursing assistant who had previously been charged and convicted for sexually assaulting a young girl. This legislation would prevent tragedies like this one from occurring in the future.

I have visited countless long-term care facilities in my home state of Nevada. During these visits, I have always been impressed by the compassion and dedication of the staff. Most nurse aides and health care workers are professional, honest, and dedicated. Unfortunately, it only takes one abusive staff member to terrorize the lives of the residents. That is why we must work to weed out the ''bad apples'' who do not have the best interest of the residents in mind. I urge you to join Senator KOHL and me in our efforts to provide greater protections for all residents of long-term care facilities.

By Mr. LOTT:

S. 1446. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Finance.

STATE AND LOCAL GOVERNMENT ESSENTIAL SERVICES FINANCING LEGISLATION

Mr. LOTT. Mr. President, I rise today to introduce legislation to help state and local governments more effectively finance the cost of essential services such as schools, streets, and water and sewer systems.

By easing tax law restrictions on the refinancing of certain bonds, this proposal would allow local jurisdictions to take advantage of favorable market interest rates. Financing the essential projects of our communities is primarily a state and local government responsibility. Federal tax laws should make it easier—not more difficult—for them to lessen the burden of taxes and other governmental charges on our citizens.

The proposal would adjust tax law restrictions on the refinancing of certain bonds issued to provide services such as government-owned schools, hospitals, streets and water and sewer systems.

Under current tax rules, most state and local governments may undertake an advance refunding of bonded indebtedness only one time and are thus unable to take full advantage of periods when market interest rates are low.

This legislation would allow every state and local government an additional opportunity to refinance bonded indebtedness issued to finance essential governmental projects.

Furthermore, this legislation would give state and local governments flexibility skin to that of a homeowner who refinances a mortgage to reduce monthly payments and thereby increase income. The federal government should not expect state and local governments to shoulder the burden of financing local infrastructure, and then deny them the flexibility to handle their own affairs in the most efficient and cost-effective manner. The change will help continue shifting power and control to local government where it belongs.

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

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

S. 1446

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

SECTION 1. ADDITIONAL ADVANCE REFUNDINGS OF CERTAIN GOVERNMENTAL BONDS.

(a) IN GENERAL.—Section 149(d)(3)(A)(i) of the Internal Revenue Code of 1986 (relating to advance refundings of other bonds) is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by adding ''or'' at the end of subclause (II), and

(3) by inserting after subclause (II) the following:

''(III) the 2nd advance refunding of the original bond if the original bond was issued after 1985 or the 3rd advance refunding of the original bond if the original bond was issued before 1986, if, in either case, the original bond was issued as part of an issue 90 percent or more of the net proceeds of which were used to finance governmental facilities used for 1 or more essential governmental functions (within the meaning of section 141(c)(2)),''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to refunding bonds issued on or after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 75

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 76

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 76, a bill to phase-out and repeal the Federal estate and gift taxes and the tax on generational-skipping transfers.

S. 77

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 77, a bill to increase the unified estate and gift tax credit to exempt small businesses and farmers from estate taxes.

S. 78

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 78, a bill to amend the Internal Revenue Code of 1986 to increase the gift tax exclusion to $25,000.

S. 88

At the request of Mr. BUNNING, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 335

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 407

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

S. 409

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 471

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 471, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from Nevada (Mr. BRYAN), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. CHAFEE, the names of the Senator from Indiana (Mr. BAYH), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 800

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr.

BROWNBACK) was added as a cosponsor of S. 800, a bill to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 861

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 861, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 915

At the request of Mr. GRAMM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 915, a bill to amend title XVIII of the Social Security Act to expand and make permanent the medicare subvention demonstration project for military retirees and dependents.

S. 956

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 1131

At the request of Mr. EDWARDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1131, A bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1169

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1169, a bill to require that certain multilateral development banks and other lending institutions implement independent third party procurement monitoring, and for other purposes.

S. 1172

At the request of Mr. TORRICELLI, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1203

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1203, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes.

S. 1211

At the request of Mr. BENNETT, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1293

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1293, a bill to establish a Congressional Recognition for Excellence in Arts Education Board.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observence of ''In Memory'' Day.

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. ROBERTS), the Senator from Nebraska (Mr. HAGEL), the Senator from Virginia (Mr. ROBB), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Resolution 95, a resolution designating August 16, 1999, as ''National Airborne Day.''

SENATE RESOLUTION 99

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of Senate Resolution 99, a resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as ''Arts Education Month.''

SENATE RESOLUTION 164—CONGRATULATING THE BLACK BEARS OF THE UNIVERSITY OF MAINE FOR WINNING THE 1999 NCAA HOCKEY CHAMPIONSHIP

Ms. SNOWE (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 164

Whereas the Black Bears of the University of Maine defeated the Wildcats of the University of New Hampshire by a score of 3 to 2 in overtime in Anaheim, California, on April 3, 1999, to win the 1999 NCAA hockey championship;

Whereas the Maine Black Bears finished their season with an impressive record of 31–6–4, losing only 1 game at home;

Whereas the Maine Black Bears have brought the NCAA hockey championship home to Maine for the 2d time this decade;

Whereas the Maine Black Bears coaching staff and players displayed outstanding dedication, teamwork, and sportsmanship throughout the season to achieve collegiate hockey's highest honor; and

Whereas the Maine Black Bears have brought pride and honor to the State of Maine: Now, therefore, be it

Resolved, That the Senate congratulates the Black Bears of the University of Maine for winning the 1999 NCAA hockey championship.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Maine.

• Ms. SNOWE. Mr. President, I rise today to congratulate the University of Maine Black Bear hockey team—winner of the National Collegiate Athletic Association Division I hockey championship for the second time this decade.

Mr. President, collegiate athletics have been an important part of the educational experience for generations. As an adjunct to academics, collegiate sports at their best teach the values of teamwork, the virtues of good sportsmanship, the lessons of disappointment, and the joys of personal as well as collective achievement.

Collegiate sports also bring communities and, often, entire states together. In Maine, there are few places charged with the level of excitement and comradery you'll find in Orono's Alfond Arena, where the action is close, the play intense, and the pride palpable.

But you don't need to be at the Alfond to feel the excitement. All Over Maine, families gather to watch their team and cheer ''Go Blue''—from Fort Kent to Calais to Cumberland to Kittery.

And this year especially, the Black Bears gave us a lot to cheer about. With a 31, 6 and 4 record, the 1998–1999 Maine Black Bears hockey team clearly played to win—and achieved that goal with remarkable regularity. And with only one loss coming at home, the Black Bears at Alfond were almost as sure a thing as snow in January.

In the playoffs—which included three New England Teams—the Black Bears continued to thrill all of Maine, rewarding audiences with college hockey as it was meant to be played.

Maine's players never gave in and they never gave up. Unyielding in their play, believing in themselves to the very end, Maine clinched the championship in a hard-fought, well-played overtime game against a superb University of New Hampshire team. And at that moment, Mainers near and far—even those who didn't attend my alma mater—were reunited with each other in the spirit of fellowship and victory.

So it is an honor for me to commend each and every member of the Black Bear team—not only for their tremendous commitment to personal excellence, but also to the success of the entire team.

In particular, seniors Steve Kariya, Marcus Gustafsson, Jason Vitorino, Bobby Stewart, and David Cullen thrilled us with their outstanding play and their remarkable leadership. And Maine's goalie, junior Aflie Michaud, deserves special mention for stopping an astounding 46 shots—a feat that rightfully brought him the honor of being named the tournament's most valuable player.

Finally, I applaud the Black Bear coaching staff for a job well done. You can't win without the fundamentals, and Maine's coaches certainly had this team prepared to take the ice—just ask their opponents. But perhaps most importantly, they took young men who were talented in their own right and made them into something even far more formidable—a singular, unstoppable force that would not be denied in its quest to become the very best.

Mr. President, there is something about excellence, especially at the highest levels of competition, that elevates all those who come in contact with it. And the magic of a sport like hockey is that, even if you have never strapped on a skate, never taken a slapshot, never iced a puck, never scored a hat trick, you're amazed by the passion of those who do. You're inspired by the athleticism and artistry. And you come to believe that perhaps we all have the potential for greatness, if only we are willing to work hard enough and care deeply enough to pursue our dreams.

The 1999 Maine Black Bears hockey team had the kind of year that dreams are made of. Today, by virtue of posting a win in the last game of the last NCAA Hockey tournament of the century, Maine is truly the final word in college hockey.

On behalf of the people of Maine, I commend the players, staff, and administration at the University of Maine hockey program for a season to remember. All of Maine is very proud, and we look forward to many more seasons of excitement in the new millennium.●

Ms. COLLINS. Mr. President, I rise today to join Senator SNOWE in offering a resolution congratulating the University of Maine Men's Ice Hockey team, who, as many of my colleagues know, won the 1999 NCAA Division I Hockey Championship earlier this year.

Like all who watched the thrilling championship game on April 3, I was on the edge of my seat when Marcus Gustafsson scored the game-winning goal to give the Black Bears a heart-stopping 3–2 overtime victory over the University of New Hampshire Wildcats. This incredible victory gave the Black Bears their second national championship in seven years—and nearly gave me a heart attack. I must say, had the game not been as close as it was, I would have been able to relax a bit more that night. But as any sports fan knows, a close game—particularly a game that is won in overtime—is all the more rewarding, and much more befitting as the crowning achievement of a national champion.

In Maine, where we take our sports seriously despite not having any major league sports teams, the Black Bears are a tremendous source of pride. As anyone traveling on the Maine Turnpike can tell you, signs that once welcomed you to ''Vacationland'' now welcome you to the home of the NCAA Hockey Champions. This year the Black Bears once again earned our admiration with an impressive record of 31 wins, 6 losses, and 4 ties. Also, they repeatedly wowed the faithful Maine fans by winning all but one game on their home ice—the beloved Alfond Arena.

Throughout the season, the players and coaching staff all showed tremendous dedication and heart, and their ability to work together as a team was second to none. They advanced boldly through the NCAA tournament, beating Boston College in overtime at the ''Frozen Four,'' and ultimately earned the right to play in the championship game against the University of New Hampshire Wildcats—a team that had beaten the Black Bears twice earlier in the season. Not to be denied, the Black Bears persevered and beat the Wildcats when it mattered the most.

True to form for any national championship team, the Black Bears have a tremendous amount of talent. Four Maine men were selected in this year's National Hockey League draft, and I suspect that several more of their teammates will eventually join them in playing professional hockey. What made this team great, however, was its strong determination, its ability to work together, and its perseverance. It is these qualities that produce championships, and they are qualities that will continue to serve these fine young men very well—both on and off the ice.

Since winning the championship, the Black Bears have enjoyed a substantial amount of much-deserved recognition. I was proud to be among those fans who were on hand to welcome the victorious team home, and I was also pleased to speak at an awards dinner in the team's honor. Soon, Maine's players and coaches will be honored by the President at the White House. Therefore, I believe it is altogether fitting and proper that the Senate add its voice, and recognize the Black Bears' accomplishments, by adopting the resolution that I so proudly offer with Senator SNOWE. While the Senate chamber may not be Alfond Arena, it is most appropriate that I close my remarks with the chant, ''M-A-I-N-E Goooooo Blue!''

I urge my colleagues to support this resolution.

SENATE RESOLUTION 165—A RESOLUTION IN MEMORY OF SENIOR JUDGE FRANK M. JOHNSON, JR. OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Mr. HATCH (for himself, Mr. LEAHY, Mr. SHELBY, Mr. SESSIONS, Mr. GRASSLEY, Mr. BIDEN, Mr. KENNEDY, Mr. KOHL, Mr. DEWINE, Mr. FEINGOLD, and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 165

Whereas Frank M. Johnson, Jr. was appointed a United States District Judge in Alabama by President Eisenhower in 1955;

Whereas Judge Johnson was elevated to the United States Court of Appeals for the Eleventh Circuit by President Carter in 1979;

Whereas in a time when men of lesser fortitude would have avoided direct confrontation of the highly unpopular issues of school desegregation and voting rights for African-Americans, Judge Johnson stood firm in upholding the Constitution and the law;

Whereas Judge Johnson struck down the Montgomery, Alabama law that had mandated that Rosa Parks sit in the back of a

city bus, because he believed that ''separate, but equal'' was inherently unequal;

Whereas Johnson upheld the constitutionality of federal laws granting African-Americans the right to vote in Alabama elections, because he believed in the concept of ''one man, one vote'';

Whereas despite tremendous pressure from Governor George Wallace, Judge Johnson allowed the voting rights march from Selma to Montgomery to proceed, thus stirring the national conscience to enact the Voting Rights Act of 1965;

Whereas today, around a courthouse that bears Frank Johnson's name in Montgomery, Alabama there are integrated schools, buses and lunch counters, and representative democracy flourishes in Alabama with African-American state, county, and municipal officials who won their offices in fair elections with the votes of African-American and white citizens;

Whereas in part because of Judge Johnson's upholding of the law, attitudes that were once intolerant and extreme have dissipated;

Whereas the members of the Senate extend our deepest sympathies to Judge Johnson's family and the host of friends that he had across the country;

Whereas Judge Johnson passed away at his home in Montgomery, Alabama on July 23, 1999;

Whereas the American people will always remember Judge Frank M. Johnson, Jr. for exemplifying unwavering moral courage in the advancement of the wholly American ideal that ''all men are created equal'' and deserve ''equal protection of the laws'' and for upholding the law: Now, therefore, be it

Resolved by the Senate, That—

(1) The Senate hereby honors the memory of Judge Frank M. Johnson, Jr. for his exemplary service to his country and for his outstanding example of moral courage; and

(2) when the Senate adjourns on this date it shall do so out of respect to the memory of Judge Frank M. Johnson, Jr.

SENATE RESOLUTION 166—RELATING TO THE RECENT ELECTIONS IN THE REPUBLIC OF INDONESIA

Mr. THOMAS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 166

Whereas the Republic of Indonesia is the world's fourth most populous country, has the world's largest Muslim population, and is the second largest country in East Asia;

Whereas Indonesia has played an increasingly important leadership role in maintaining the security and stability of Southeast Asia, especially through its participation in the Association of Southeast Asian Nations (ASEAN);

Whereas in response to the wishes of the people of Indonesia, President Suharto resigned on May 21, 1998, in accordance with Indonesia's constitutional processes;

Whereas the government of his successor, President Bacharuddin J. Habibie, has pursued a transition to genuine democracy, establishing a new governmental structure, and developing a new political order;

Whereas President Habibie signed several bills governing elections, political parties, and the structure of legislative bodies into law on February 1, 1999, and scheduled the first truly democratic national election since 1955;

Whereas on June 7, 1999, elections were held for the Dewan Perwakilan Rakyat (DPR) which, despite some irregularities, were deemed to be free, fair, and transparent according to international and domestic observers;

Whereas over 100 million people, more than ninety percent of Indonesia's registered voters, participated in the election, demonstrating the Indonesian people's dedication to democracy;

Whereas the ballot counting process has been completed and the unofficial results announced;

Whereas the official results will be announced in the near future, and it is expected by all parties that the official results will mirror the unofficial results; and

Whereas Indonesia's military has indicated that it will abide by the results of the election; Now, therefore, be it

Resolved, That the Senate:

(1) congratulates the people of Indonesia on carrying out the first free, fair, and transparent national elections in forty-four years;

(2) supports the aspirations of the Indonesian people in pursuing a transition to genuine democracy;

(3) calls upon all Indonesian leaders, political party members, military personnel, and the general public to respect the outcome of the elections, and to uphold that outcome pending the selection of the new President by the Majelis Permusyawaratan Rakyat (MPR) later this year;

(4) calls for the convening of the MPR and the selection of the next President as soon as practicable under Indonesian law in order to reduce the impact of continued uncertainty on the country's political stability and to enhance the prospects for the country's economic recovery;

(5) calls upon the present ruling Golkar party to work closely with any successor government in assuring a smooth transition to a new government; and

(6) urges the present government, and any new government, to continue to work to ensure a stable and secure environment in East Timor by:

(A) assisting in disarming and disbanding any militias on the island;

(B) granting full access to East Timor to groups such as the United Nations, international humanitarian organizations, human rights monitors, and similar nongovernmental organizations;

(C) upholding its commitment to cooperate fully with the United Nations Assistance Mission for East Timor (UNAMET).

SENATE RESOLUTION 167—COMMENDING THE GEORGES BANK REVIEW PANEL ON THE RECENT REPORT RECOMMENDING EXTENSION OF THE MORATORIUM ON OIL AND GAS EXPLORATION ON GEORGES BANK, COMMENDING GOVERNMENT BANK, AND URGING THE GOVERNMENT OF CANADA TO ADOPT A LONGER-TERM MORATORIUM

Ms. COLLINS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 167

Whereas the unusual underwater topography and tidal activity of Georges Bank create an almost self-contained ecosystem, unique within the ocean that surrounds it;

Whereas Georges Bank is one of the most productive fisheries in the world;

Whereas people of both Canada and the United States harvest cod, haddock, yellowtail flounder, scallops, lobsters, swordfish, and herring from Georges Bank;

Whereas significant economic sacrifices have been made by fishermen from both Canada and the United States to work toward sustainable and healthy fish stocks;

Whereas hundreds of small communities in New England and the maritime provinces of Canada depend on fish from Georges Bank for economic support and their maritime-based way of life;

Whereas an oil spill on Georges Bank would have catastrophic effects on the Georges Bank ecosystem and the economies of the coastal communities of New England and the maritime provinces of Canada;

Whereas Georges Bank experiences some of the most severe weather in the world, and the frequent storms, strong currents, and high winds would cripple any post-spill cleanup effort;

Whereas many scientists, fishermen, and other persons concerned with and knowledgeable about the unique ecosystem of Georges Bank have urged the Government of Canada to extend the moratorium on oil and gas activity;

Whereas the Georges Bank Review Panel issued a report recommending an extension of the moratorium on oil and gas activity; and

Whereas the Government of the United States has established a moratorium on oil and gas activity in Georges Bank until the year 2012: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Georges Bank Review Panel on the recent report recommending extension of the moratorium on oil and gas exploration on Georges Bank;

(2) commends the Government of Canada for extending the moratorium on oil and gas activity on Georges Bank through 1999; and

(3) urges the Government of Canada to extend the moratorium until the year 2012.

Ms. COLLINS. Mr. President, I rise today to submit a resolution commending the Georges Bank review panel on the recent extension of the moratorium on oil and gas exploration on Georges Bank and urging our Canadian neighbors to adopt a longer-term moratorium that would match that adopted by the United States.

Georges Bank is a large shallow bank on the Outer Continental Shelf of the eastern North American continent. Georges Bank, which separates the Gulf of Maine from the open Atlantic Ocean, is traditionally known as one of the most productive fishing grounds in the world. Fishing vessels from New England and Canada catch cod, haddock, yellowtail flounder, scallops, lobsters, swordfish, herring, and bluefin tuna in its waters. Literally hundreds of communities depend upon fish from Georges Bank for their way of life and livelihood.

In 1984, the United States-Canadian boundary dispute involving ownership of Georges Bank was resolved by the International Court of Justice at The Hague. The Court declared the northeastern portion of the bank as under Canadian jurisdiction and the southwestern portion as under the jurisdiction of the United States. Since that decision, both the United States and Canada have maintained a moratorium on oil and gas exploration on Georges Bank.

In 1998, the United States extended its moratorium until the year 2012.

In 1988, with the adoption of the Canada-Nova Scotia Accord Acts, Canada placed a moratorium on petroleum activities on Georges Bank until January 1, 2000. In preparation for the expiration of that moratorium, a three-person review panel held an extensive public comment period, commissioned studies, and thoroughly explored the pros and cons of allowing oil and gas activity on the Canadian portion of Georges Bank. Last month, at the conclusion of its review, the panel recommended that the moratorium on petroleum activities on Georges Bank be continued, but it did not specify a date.

I certainly respect the fact that Canada is entitled to make its own mineral management decisions. Nevertheless, given the joint jurisdiction that the United States and Canada have over Georges Bank, I believe it is appropriate for this body to convey its concern and support for the unique ecosystem and fisheries of Georges Bank. An accident involving a petroleum spill on either side of the line could have a devastating impact on fisheries well up and down the coast from Nova Scotia and New Brunswick to the coast of New England.

The severe weather in and the vast expanse of Georges Bank far from shore would greatly complicate any effort to clean up any spill that could occur. Indeed, even if a spill never occurred, the lubricants used in drilling could well have a toxic impact on Georges Bank's delicate fisheries.

Fishermen from Canada and the United States are subject to strict regulations governing fishing on Georges Bank. These regulations are designed to allow fish stocks to recover after years of overfishing. They have involved considerable sacrifices for the fishermen who depend on Georges Bank to make a living. But the sacrifices are paying off, and the fish stocks are recovering. It would be a shame to set back or to reverse completely those hard-won recovery efforts with even the risk of a major oil spill.

The resolution I am submitting today encourages the Government of Canada to accept the recommendations of its review panel. It also goes further by asking our neighbor to the north to extend its drilling moratorium until the year 2012 to match the American moratorium. In that way, both Canadians and Americans may be assured that Georges Bank will remain in its traditional uses.

AMENDMENTS SUBMITTED

TAXPAYER REFUND ACT OF 1999

ABRAHAM (AND OTHERS) AMENDMENT NO. 1354

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. FITZGERALD, Mr. MOYNIHAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by them to the bill (S. 1429) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2000; as follows:

At the end of title XI, insert the following:

SEC. ___. NO FEDERAL INCOME TAX ON AMOUNTS RECEIVED BY HOLOCAUST VICTIMS OR THEIR HEIRS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received by an individual (or any heir of the individual)—

(1) from the Swiss Humanitarian Fund established by the Government of Switzerland or from any similar fund established by any foreign country, or

(2) as a result of the settlement of the action entitled ''In re Holocaust Victims' Asset Litigation'', (E.D. NY), C.A. No. 96–4849, or as a result of any similar action.

(b) EFFECTIVE DATE.—This section shall apply to any amount received before, on, or after the date of the enactment of this Act.

ABRAHAM AMENDMENT NO. 1355

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1429, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. TAX EXEMPT TREATMENT OF CERTAIN BONDS ISSUED IN CONNECTION WITH DELINQUENT REAL PROPERTY TAXES.

(a) IN GENERAL.—Section 148 of the Internal Revenue Code of 1986 is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) SPECIAL RULE FOR DELINQUENT TAX BONDS.—

''(1) IN GENERAL.—For purposes of this section, a bond which meets the requirements of paragraph (2) shall not be treated as an arbitrage bond.

''(2) DELINQUENT TAX BOND REQUIREMENTS.—A bond meets the requirements of this paragraph if—

''(A) the bond is issued primarily to facilitate the collection or receipt of delinquent real property taxes,

''(B) all sale proceeds of the issue of which the bond is a part (other than sale proceeds, if any, to be used for costs of issuance and the establishment of a reasonably required reserve or replacement fund) are transferred, within 30 days after the date of issue of the bond, to governmental units that levy, collect, or receive real property taxes,

''(C)(i) the amount of the sale proceeds so transferred does not exceed the amount of delinquent real property taxes for the year (or the preceding year) certified by such units to the issuer of the bond as uncollected, and

''(ii) such certification is made as of a specific date which occurs during the 5-month period preceding the date of the issuance of the bond,

''(D) the maturity date of the bond is not later than 3 months after the date of the issue,

''(E) the last maturity date of the issue of which the bond is a part (including the last maturity date of any bonds issued to refund that issue or to refund other bonds issued to refund that issue) is not later than 26 months after the date of issuance of the original bond, and

''(F) all delinquent real property taxes (and interest, fees, and penalties attributable to such taxes) received by such governmental units after the specific date referred to in subparagraph (C) and before any maturity date of such issue are used, within 3 months of receipt, for the payment of principal, interest, or redemption price of the issue of which the bond is a part (to the extent that such taxes, interest, fees, and penalties do not exceed such principal, interest, and redemption price, in the aggregate).''

(b) COORDINATION WITH HEDGE BOND RULES.—Section 149(g)(3) of such Code is amended by adding at the end the following new subparagraph:

''(D) EXCEPTION FOR DELINQUENT TAX BOND.—For purposes of this subsection, the term 'hedge bond' shall not include any bond that meets the requirements of section 148(i)(2).''

(c) COORDINATION WITH POOLED FINANCIAL BOND RULES.—Section 149(f)(4)(B) of such Code is amended—

(1) by striking ''or'' at the end of clause (i),

(2) by striking the period at the end of clause (ii) and inserting '', or'', and

(3) by adding at the end the following new clause:

''(iii) section 148(i) applies to such bond.''

(d) COORDINATION WITH PRIVATE ACTIVITY BOND RULES.—Paragraph (2) of section 141(c) of such Code (relating to private activity bond; qualified bond) is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by adding at the end the following new subparagraph:

''(C) is with respect to a bond which meets the requirements of section 148(i)(2) (relating to delinquent tax bonds).''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act. For purposes of the preceding sentence, a bond (or series of bonds) issued to refund a bond shall be treated as being issued on the date of issuance of the refunded bond, if the refunding bond meets the requirements of subclauses (I), (II), and (III) of section 144(a)(12)(A)(ii) of the Internal Revenue Code of 1986.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

LEVIN (AND DEWINE) AMENDMENT NO. 1356

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 10, line 23, strike ''River:'' and insert ''River, of which $400,000 shall be available for grants under the Great Lakes Fish and Wildlife Restoration Program, and of which $114,280,000 shall be available for general administration:''.

GORTON AMENDMENT NO. 1357

Mr. GORTON proposed an amendment to the bill, H.R. 2466, supra; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal

year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $634,321,000, to remain available until expended, of which $2,147,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $1,500,000 shall be available in fiscal year 2000 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands; in addition, $33,529,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $634,321,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $287,305,000, to remain available until expended, of which not to exceed $5,025,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., Protection of United States Property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,418,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $130,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $17,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $99,225,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is

capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $683,519,000, to remain available until September 30, 2001, except as otherwise provided herein, of which $11,701,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River: *Provided*, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: *Provided further*, That not to exceed $5,932,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsections (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses: *Provided further*, That all fines collected by the U.S. Fish and Wildlife Service for violations of the Marine Mammal Protection Act (16 U.S.C. 1362–1407) and implementing regulations shall be available to the Secretary, without further appropriation, to be used for the expenses of the U.S. Fish and Wildlife Service in administering activities for the protection and recovery of manatees, polar bears, sea otters, and walruses, and shall remain available until expended: *Provided further*, That, heretofore and hereafter, in carrying out work under reimbursable agreements with any state, local, or tribal government, the U.S. Fish and Wildlife Service may, without regard to 31 U.S.C. 1341 and notwithstanding any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to this appropriation, such credit to occur within 90 days of the date of the original request by the Service for payment.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $40,434,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of facilities at the Alaska Maritime National Wildlife Refuge may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clauses ''availability of funds'' found at 48 C.F.R. 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $55,244,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $21,480,000, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,000,000.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,400,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 105–277, and Public Law 105–83 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. aa–1).

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $15,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 70 passenger motor vehicles, of which 61 are for replacement only (including 36 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,355,176,000, of which $8,800,000 is for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $8,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $49,951,000: *Provided*, That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $42,412,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2001, of which $8,422,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $221,093,000, to remain available until expended, of which $1,100,000 shall be for realignment of the Denali National Park entrance road: *Provided*, That $4,000,000 for the Wheeling National Heritage Area and $1,000,000 for Montpelier shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided further*, That notwithstanding any other provision of law, a single procurement for the construction of visitor facilities at Brooks Camp at Katmai National Park

and Preserve may be issued which includes the full scope of the project: *Provided further,* That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2000 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $84,525,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $500,000 is to administer the State assistance program.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 384 passenger motor vehicles, of which 298 shall be for replacement only, including not to exceed 312 for police-type use, 12 buses, and 6 ambulances: *Provided,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $813,243,000, of which $72,314,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $2,000,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $160,248,000 shall be available until September 30, 2001 for the biological research activity and the operation of the Cooperative Research Units: *Provided,* That of the funds available for the biological research activity, $1,000,000 shall be made available by grant to the University of Alaska for conduct of, directly or through subgrants, basic marine research activities in the North Pacific Ocean pursuant to a plan approved by the Department of Commerce, the Department of the Interior, and the State of Alaska: *Provided further,* That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further,* That the United States Geological Survey may contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $110,682,000, of which $84,569,000 shall be available for royalty management activities; and an amount not to exceed $124,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided,* That $3,000,000 for computer acquisitions shall remain available until September 30, 2001: *Provided further,* That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further,* That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $95,891,000: *Provided,* That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2000 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further,* That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $185,658,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $7,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided,* That grants to minimum program States will be $1,500,000 per State in fiscal year 2000: *Provided further,* That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be

used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further,* That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further,* That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further,* That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,631,996,000, to remain available until September 30, 2001 except as otherwise provided herein, of which not to exceed $93,684,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $115,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2000, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $402,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2000, and shall remain available until September 30, 2001; and of which not to exceed $51,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided,* That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further,* That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2001, may be transferred during fiscal year 2002 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further,* That any such unobligated balances not so transferred shall expire on September 30, 2002.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $146,884,000, to remain available until expended: *Provided,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further,* That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further,* That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further,* That for fiscal year 2000, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further,* That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further,* That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further,* That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further,* That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): *Provided further,* That notwithstanding any other provision of law, collections from the settlements between the United States and the Puyallup tribe concerning Chief Leschi school are made available for school construction in fiscal year 2000 and hereafter.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $27,131,000, to remain available until expended; of which $25,260,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; and of which $1,871,000 shall be available pursuant to Public Laws 99–264, 100–383, 103–402 and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $504,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995.

The Tate Topa Tribal School, the Black Mesa Community School, the Alamo Navajo School, and other BIA-funded schools, subject to the approval of the Secretary of the Interior, may use prior year school operations funds for the replacement or repair of BIA education facilities which are in compliance with 25 U.S.C. 2005(a) and which shall be eligible for operation and maintenance support to the same extent as other BIA education facilities: *Provided,* That any additional construction costs for replacement or repair of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds.

DEPARTMENT OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $67,325,000, of which: (1) $63,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,249,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided,* That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further,* That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further,* That Public Law 94–241, as amended, is further amended (1) in section 4(b) by deleting ''2002'' and inserting ''1999'' and by deleting the comma after the words ''$11,000,000 annually'' and inserting in lieu thereof the following: ''and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be $5,580,000, but shall return to the level of $11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be $5,420,000. Such payments shall be''; and (2) in section (4)(c) by adding a new subsection as follows: ''(4) for fiscal year 2000, $5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.'': *Provided further,* That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further,* That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further,* That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,545,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $62,203,000, of which not to exceed $8,500 may be for official reception and representation expenses and up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $36,784,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $26,614,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $73,836,000, to remain available until expended: *Provided,* That funds for trust management improvements may be transferred to the Bureau of Indian Affairs and Departmental Management: *Provided further,* That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2000, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further,* That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further,* That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least eighteen months and has a balance of $1.00 or less: *Provided further,* That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION PILOT

For implementation of a pilot program for consolidation of fractional interests in Indian lands by direct expenditure or cooperative agreement, $5,000,000 to remain available until expended, of which not to exceed $500,000 shall be available for administrative expenses: *Provided,* That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the pilot reservation to implement the program to acquire fractional interests on behalf of such tribe: *Provided further,* That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: *Provided further,* That acquisitions shall be limited to one or more pilot reservations as determined by the Secretary: *Provided further,* That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this pilot program: *Provided further,* That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: *Provided further,* That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337; $4,621,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to ''Wildland Fire Management'' shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

(f) This section shall remain in effect through fiscal year 2002.

SEC. 113. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, funds available herein and hereafter under this title for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act and no funds appropriated in this title shall be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 114. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 115. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for

the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C. for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 116. (a) In this section—

(1) the term ''Huron Cemetery'' means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term ''Secretary'' means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

''Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

''Thence South 28 poles to the 'true point of beginning';

''Thence South 71 degrees East 10 poles and 18 links;

''Thence South 18 degrees and 30 minutes West 28 poles;

''Thence West 11 and one-half poles;

''Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.''.

SEC. 117. Grazing permits and leases which expire or are transferred, in this or any fiscal year, shall be renewed under the same terms and conditions as contained in the expiring permit or lease until such time as the Secretary of the Interior completes the process of renewing the permits or leases in compliance with all applicable laws. Nothing in this language shall be deemed to affect the Secretary's statutory authority or the rights of the permittee or lessee.

SEC. 118. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 119. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 120. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito. Such areas of Fort Baker shall remain under exclusive federal jurisdiction.

SEC. 121. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 122. None of the funds provided in this or any other Act may be used for pre-design, design or engineering for the removal of the Elwha or Glines Canyon Dams, or for the actual removal of either dam, until such time as both dams are acquired by the Federal government notwithstanding the proviso in section 3(a) of Public Law 102–495, as amended.

SEC. 123. (a) SHORT TITLE.—This section may be cited as the ''Battle of Midway National Memorial Study Act''.

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

(1) September 2, 1997, marked the 52nd anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against the United States or the allied forces.

(3) During the Battle of Midway on June 4, 1942, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to study whether Midway Atoll should be established as a national memorial to the Battle of Midway to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(5) The historic structures and facilities on Midway Atoll should be protected and maintained.

(c) PURPOSE.—The purpose of this Act is to require a study of the feasibility and suitability of designating the Midway Atoll as a National Memorial to the Battle of Midway within the boundaries of the Midway Atoll National Wildlife Refuge. The study of the Midway Atoll and its environs shall include, but not be limited to, identification of interpretative opportunities for the educational and inspirational benefit of present and future generations, and of the unique and significant circumstances involving the defense of the island by the United States in World War II and the Battle of Midway.

(d) STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL AS A NATIONAL MEMORIAL TO THE BATTLE OF MIDWAY.—

(1) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall, acting through the Director of the National Park Service and in consultation with the Director of the United States Fish and Wildlife Service, the International Midway Memorial Foundation, Inc. (hereafter referred to as the ''Foundation''), and Midway Phoenix Corporation, carry out a study of the suitability and feasibility of establishing Midway Atoll as a national memorial to the Battle of Midway.

(2) CONSIDERATIONS.—In studying the establishment of Midway Atoll as a national memorial to the Battle of Midway under paragraph (1), the Secretary shall address the following:

(A) The appropriate federal agency to manage such a memorial, and whether and under what conditions, to lease or otherwise allow the Foundation or another appropriate entity to administer, maintain, and fully utilize the lands (including any equipment, facilities, infrastructure, and other improvements) and waters of Midway Atoll if designated as a national memorial.

(B) Whether designation as a national memorial would conflict with current management of Midway Atoll as a wildlife refuge and whether, and under what circumstances, the needs and requirements of the wildlife refuge should take precedence over the needs and requirements of a national memorial on Midway Atoll.

(C) Whether, and under what conditions, to permit the use of the facilities on Sand Island for purposes other than a wildlife refuge or a national memorial.

(D) Whether to impose conditions on public access to Midway Atoll as a national memorial.

(3) REPORT.—Upon completion of the study required under paragraph (1), the Secretary shall submit, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives, a report on the study, which shall include any recommendations for further legislative action. The report shall also include an inventory of all known past and present facilities and structures of historical significance on Midway Atoll and its environs. The report shall include a description of each historic facility and structure and a discussion of how each will contribute to the designation and interpretation of the proposed national memorial.

(e) CONTINUING DISCUSSIONS.—Nothing in this Act shall be construed to delay or prohibit discussions between the Foundation and the United States Fish and Wildlife Service or any other government entity regarding the future role of the Foundation on Midway Atoll.

SEC. 124. Where any Federal lands included within the boundary of Lake Roosevelt National Recreation Area as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement) were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 125. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds on the basis of identified, unmet needs. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than ten percent in fiscal year 2000.

SEC. 126. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the

Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 127. None of the funds provided in this Act shall be available to the Department of the Interior or agencies of the Department of the Interior to implement Secretarial Order 3206, issued June 5, 1997.

SEC. 128. Of the funds appropriated in title V of the Fiscal Year 1998 Interior and Related Agencies Appropriation Act, Public Law 105–83, the Secretary shall provide up to $2,000,000 in the form of a grant to the Fairbanks North Star Borough for acquisition of undeveloped parcels along the banks of the Chena River for the purpose of establishing an urban greenbelt within the Borough. The Secretary shall further provide from the funds appropriated in title V up to $1,000,000 in the form of a grant to the Municipality of Anchorage for the acquisition of approximately 34 acres of wetlands adjacent to a municipal park in Anchorage (the Jewel Lake Wetlands).

SEC. 129. Funds sufficient to cover the cost of preparation of an Environmental Impact Statement are hereby redirected from the funds appropriated in the fiscal year 1999 Department of Interior Appropriations Bill, Bureau of Indian Affairs, Safety of Dams Construction Account, Weber Dam. These funds are directed to be used for completion of an environmental impact statement to facilitate resolution of fish passage issues associated with the reconstruction of the Weber Dam and Reservoir on the Walker River Paiute Reservation in Nevada. The analysis shall include, but not be limited to: (1) an evaluation of whether any reservoir, and if so what capacity reservoir, is needed to assure that the water rights of the Walker River Paiute Tribe can be adequately served with surface water; (2) an evaluation of the feasibility and cost of constructing a new off stream reservoir as a replacement for Weber Reservoir; (3) an evaluation of the feasibility and cost of converting Weber Reservoir into an off stream reservoir; and (4) an evaluation of the feasibility and cost of serving the water rights of the Walker River Paiute Tribe with groundwater. The BIA is directed to work through the Bureau of Reclamation, either via contract or memorandum of understanding, to complete this environmental impact statement within 18 months of enactment of this act. No contract for construction or reconstruction of the Weber Dam shall be awarded until such Environmental Impact Statement is completed. In addition, $125,000 of the funds appropriated in fiscal year 1999 to the Bureau of Indian Affairs, Safety of Dams Construction Account, Weber Dam, shall be directed to assist the Walker River Paiute Tribe in exploring the feasibility of establishing a Tribal-operated Lahontan cutthroat trout hatchery on the Walker River, in recognition of the negative impacts on the tribe associated with delay in reconstruction of Weber Dam.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $187,444,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $190,793,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the headings ''Forest and Rangeland Research'', ''State and Private Forestry'', ''National Forest System'', ''Wildland Fire Management'', ''Reconstruction and Construction'', and ''Land Acquisition'', $1,239,051,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)).

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $560,980,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That notwithstanding any other provision of law, up to $4,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $90,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RECONSTRUCTION AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $362,095,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That any unexpended balances of amounts previously appropriated for Forest Service Reconstruction and Construction as well as any unobligated balances remaining in the National Forest System appropriation in the facility maintenance and trail maintenance extended budget line items at the end of fiscal year 1999 may be transferred to and made a part of this appropriation.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $37,170,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That subject to valid existing rights, all Federally owned lands and interests in lands within the New World Mining District comprising approximately 26,223 acres, more or less, which are described in a Federal Register notice dated August 19, 1997 (62 F.R. 44136–44137), are hereby withdrawn from all forms of entry, appropriation, and disposal under the public land laws, and from location, entry and patent under the mining laws, and from disposition under all mineral and geothermal leasing laws.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 110 passenger motor vehicles of which 15 will be used primarily for law enforcement purposes and of which 109 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed three for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable

fleet at 213 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided,* That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: *Provided further,* That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further,* That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further,* That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: *Provided further,* That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided,* That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further,* That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Reconstruction and Construction'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided,* That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further,* That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided in subsection (c) shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as ''indirect expenditures''), from funds available to the Forest Service, unless otherwise prohibited by law: *Provided,* That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: *Provided further,* That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: *Provided further,* That during fiscal year 2000 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase

negotiations and similar non-litigation related matters: *Provided,* That no more than $500,000 is transferred: *Provided further,* That future budget justifications for both the Forest Service and the Department of Agriculture clearly display the sums previously transferred and request future funding levels.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety.

Of any funds available to Region 10 of the Forest Service, exclusive of funds for timber sales management or road reconstruction/construction, $7,000,000 shall be used in fiscal year 2000 to support implementation of the recent amendments to the Pacific Salmon Treaty with Canada which require fisheries enhancements on the Tongass National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $156,000,000 shall not be available until October 1, 2000: *Provided,* That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $390,975,000, to remain available until expended, of which $24,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: *Provided,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1999, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant and settlement payments shall be immediately transferred to the general fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2000: *Provided,* That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $682,817,000, to remain available until expended, of which $25,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: *Provided,* That $166,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $133,000,000 for weatherization assistance grants and $33,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $159,000,000, to remain available until expended: *Provided,* That the Secretary of Energy hereafter may transfer to the SPR Petroleum Account such funds as may be necessary to carry out drawdown and sale operations of the Strategic Petroleum Reserve initiated under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) from any funds available to the Department of Energy under this Act or previous appropriations Acts. All funds transferred pursuant to this authority must be replenished as promptly as possible from oil sale receipts pursuant to the drawdown and sale.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $70,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,135,561,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $384,442,000 for contract medical care shall remain available for obligation until September 30, 2001: *Provided further,* That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2001: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further,* That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $203,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or

annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2000.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $189,252,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further,* That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further,* That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further,* That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further,* That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further,* That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: *Provided further,* That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further,* That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,250,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $364,562,000, of which not to exceed $40,704,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $4,400,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $35,000,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $19,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members

only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $61,438,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,311,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,040,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $86,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,000,000, to remain available until expended, to the National Endowment for the Arts: *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $97,550,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,150,000, to remain available until expended, of which $10,150,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $23,905,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,078,000: *Provided,* That beginning in fiscal year 2000 and thereafter, the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $2,906,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,312,000: *Provided,* That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $33,286,000, of which $1,575,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $24,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to $1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $20,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the

funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1999.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2000, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, and 105–277 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1999 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2000 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 316. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

(b) The provisions of this section shall be repealed upon enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the fifteen year legally mandated date to revise before or during calendar year 2000; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the five-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 322. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 323. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities; implementation of section 325 of Public Law 105–83 (111 Stat. 1597); or compliance with 25 U.S.C. 2005.

SEC. 325. Amounts deposited during fiscal year 1999 in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2000, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 326. HARDWOOD TECHNOLOGY TRANSFER AND APPLIED RESEARCH. (a) The Secretary of Agriculture (hereinafter the ''Secretary'') is hereby and hereafter authorized to conduct technology transfer and development, training, dissemination of information and applied research in the management, processing and utilization of the hardwood forest resource. This authority is in addition to any other authorities which may be available to the Secretary including, but not limited to, the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. 2101 et. seq.), and the Forest and Rangeland Renewable Resources Act of 1978, as amended (16 U.S.C. 1600–1614).

(b) In carrying out this authority, the Secretary may enter into grants, contracts, and cooperative agreements with public and private agencies, organizations, corporations, institutions and individuals. The Secretary may accept gifts and donations pursuant to the Act of October 10, 1978 (7 U.S.C. 2269) including gifts and donations from a donor that conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) The Secretary is hereby and hereafter authorized to operate and utilize the assets of the Wood Education and Resource Center (previously named the Robert C. Byrd Hardwood Technology Center in West Virginia) as part of a newly formed ''Institute of Hardwood Technology Transfer and Applied Research'' (hereinafter the ''Institute''). The Institute, in addition to the Wood Education and Resource Center, will consist of a Director, technology transfer specialists from State and Private Forestry, the Forestry Sciences Laboratory in Princeton, West Virginia, and any other organizational unit of the Department of Agriculture as the Secretary deems appropriate. The overall management of the Institute will be the responsibility of the USDA Forest Service, State and Private Forestry.

(d) The Secretary is hereby and hereafter authorized to generate revenue using the authorities provided herein. Any revenue received as part of the operation of the Institute shall be deposited into a special fund in the Treasury of the United States, known as the ''Hardwood Technology Transfer and Applied Research Fund'', which shall be available to the Secretary until expended, without further appropriation, in furtherance of the purposes of this section, including upkeep, management, and operation of the Institute and the payment of salaries and expenses.

(e) There are hereby and hereafter authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 327. No timber in Region 10 of the Forest Service shall be advertised for sale which, when using domestic Alaska western red cedar selling values and manufacturing costs, fails to provide at least 60 percent of normal profit and risk of the appraised timber, except at the written request by a prospective bidder. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2000, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan which provides greater than 60 percent of normal profit and risk at the time of the sale advertisement, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States based on values in the Pacific Northwest as determined by the Forest Service and stated in the timber sale contract. Should Region 10 sell, in fiscal year 2000, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan meeting the 60 percent of normal profit and risk standard at the time of sale advertisement, the volume of western red cedar timber available to domestic processors at rates specified in the timber sale contract in the contiguous 48 states shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold. (For purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded.) Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 329. For fiscal year 2000, the Secretary of Agriculture, with respect to lands within the National Forest System, and the Secretary of the Interior, with respect to lands under the jurisdiction of the Bureau of Land Management, shall use the best available scientific and commercial data in amending or revising resource management plans for, and offering sales, issuing leases, or otherwise authorizing or undertaking management activities on, lands under their respective jurisdictions: *Provided*, That the Secretaries may at their discretion determine whether any additional information concerning wildlife resources shall be collected prior to approving any such plan, sale, lease or other activity, and, if so, the type of, and collection procedures for, such information.

SEC. 330. The Secretary of Agriculture and the Secretary of the Interior shall:

(a) prepare the report required of them by section 323(a) of the Fiscal Year 1998 Interior and Related Agencies Appropriations Act (Public Law 105–83; 111 Stat. 1543, 1596–7);

(b) make the report available for public comment for a period of not less than 120 days; and

(c) include the information contained in the report and a detailed response or responses to any such public comment in any final environmental impact statement associated with the Interior Columbia Basin Ecosystem Project.

SEC. 331. Section 7 of the Service Contract Act (SCA), 41 U.S.C. section 356 is amended by adding the following paragraph:

''(8) any concession contract with Federal land management agencies, the principal

purpose of which is the provision of recreational services to the general public, including lodging, campgrounds, food, stores, guiding, recreational equipment, fuel, transportation, and skiing, provided that this exemption shall not affect the applicability of the Davis-Bacon Act, 40 U.S.C. section 276a et seq., to construction contracts associated with these concession contracts.''.

SEC. 332. TIMBER AND SPECIAL FOREST PRODUCTS. (a) DEFINITION OF SPECIAL FOREST PRODUCT.—For purposes of this section, the term ''special forest product'' means any vegetation or other life forms, such as mushrooms and fungi that grows on National Forest System lands, excluding trees, animals, insects, or fish except as provided in regulations issued under this section by the Secretary of Agriculture.

(b) FAIR MARKET VALUE FOR SPECIAL FOREST PRODUCTS.—The Secretary of Agriculture shall develop and implement a pilot program to charge and collect not less than the fair market value for special forest products harvested on National Forest System lands. The authority for this pilot program shall be for fiscal years 2000 through 2004. The Secretary of Agriculture shall establish appraisal methods and bidding procedures to ensure that the amounts collected for special forest products are not less than fair market value.

(c) FEES.—

(1) IN GENERAL.—The Secretary of Agriculture shall charge and collect from persons who harvest special forest products all costs to the Department of Agriculture associated with the granting, modifying, or monitoring the authorization for harvest of the special forest products, including the costs of any environmental or other analysis.

(2) SECURITY.—The Secretary of Agriculture may require a person that is assessed a fee under this subsection to provide security to ensure that the Secretary of Agriculture receives fees authorized under this subsection from such person.

(d) WAIVER.—The Secretary of Agriculture may waive the application of subsection (b) or subsection (c) pursuant to such regulations as the Secretary of Agriculture may prescribe.

(e) COLLECTION AND USE OF FUNDS.—

(1) Funds collected in accordance with subsection (b) and subsection (c) shall be deposited into a special account in the Treasury of the United States.

(2) Funds deposited into the special account in the Treasury in accordance with this section in excess of the amounts collected for special forest products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture on October 1, 2000 without further appropriation, and shall remain available until expended to pay for—

(A) in the case of funds collected pursuant to subsection (b), the costs of conducting inventories of special forest products, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary vegetation; and

(B) in the case of fees collected pursuant to subsection (c), the costs for which the fees were collected.

(3) Amounts collected in accordance with subsection (b) and subsection (c) shall not be taken into account for the purposes of the sixth paragraph under the heading of ''Forest Service'' of the Act of May 23, 1908 (16 U.S.C. § 500); section 13 of the Act of March 1, 1911 (16 U.S.C. § 500); the Act of March 4, 1913 (16 U.S.C. § 501); the Act of July 22, 1937 (7 U.S.C. § 1012); the Acts of August 8, 1937 and of May 24, 1939 (43 U.S.C. §§ 1181 et. seq.); the Act of June 14, 1926 (43 U.S.C. § 869–4); chapter 69 of title 31 United States Code; section 401 of the Act of June 15, 1935 (16 U.S.C. § 715s); the Land and Water Conservation Fund Act of 1965 (16 U.S.C. § 460*l*–6a); and any other provision of law relating to revenue allocation.

SEC. 333. Title III, section 3001 of Public Law 106–31 is amended by inserting after the word ''Alabama,'' the following phrase ''in fiscal year 1999 or 2000''.

SEC. 334. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with Section 347 of Title III of Section 101(e) of Division A of Public Law 105–825 is hereby expanded to authorize the Forest Service to enter into an additional 9 contracts in Region One.

SEC. 335. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

''(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.''.

SEC. 336. MILLSITES OPINION. PROHIBITION ON MILLSITE LIMITATIONS.—Notwithstanding the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites under the general mining law (referred to in this section as the ''opinion''), in accordance with the millsite provisions of the Bureau of Land Management's Manual Sec. 3864.1.B (dated 1991), the Bureau of Land Management Handbook for Mineral Examiners H–3890–1, page III–8 (dated 1989), and section 2811.33 of the Forest Service Manual (dated 1990), the Department of the Interior and the Department of Agriculture shall not limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims for any fiscal year.

SEC. 337. Notwithstanding section 343 of Public Law 105–83, increases in recreation residence fees may be implemented in fiscal year 2000: *Provided,* That such an increase would not result in a fee that exceeds 125 percent of the fiscal year 1998 fee.

SEC. 338. No federal monies appropriated for the purchase of land by the Forest Service in the Columbia River Gorge National Scenic Area (''CRGNSA'') may be used unless the Forest Service complies with the acquisition protocol set out in this section:

(a) PURCHASE OPTION REQUIREMENT.—Upon the Forest Service making a determination that the agency intends to pursue purchase of land or an interest in land located within the boundaries of the CRGNSA, the Forest Service and the owner of the land or interest in land to be purchased shall enter into a written purchase option agreement in which the landowner agrees to retain ownership of the interest in land to be acquired for a period not to exceed one year. In return, the Forest Service shall agree to abide by the bargaining and arbitration process set out in this section.

(b) OPT OUT.—After the Forest Service and landowner have entered into the purchase option agreement, the landowner may at any time prior to federal acquisition voluntarily opt out of the purchase option agreement.

(c) SELECTION OF APPRAISERS.—Once the landowner and Forest Service both have executed the required purchase option, the landowner and Forest Service each shall select an appraiser to appraise the land or interest in land described in the purchase option. The landowner and Forest Service both shall instruct their appraiser to estimate the fair market value of the land or interest in land to be acquired. The landowner and Forest Service both shall instruct their appraiser to comply with the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference 1992) and Public Law 91–646 as amended. Both appraisers shall possess qualifications consistent with state regulatory requirements that meet the intent of Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(d) PERIOD TO COMPLETE APPRAISALS.—The landowner and Forest Service each shall be allowed a period of 180 days to provide to the other an appraisal of the land or interest in land described in the purchase option. This 180-day period shall commence upon execution of a purchase option by the landowner and the Forest Service.

(e) BARGAINING PERIOD.—Once the landowner and Forest Service each have provided to the other a completed appraisal, a 45-day period of good faith bargaining and negotiation shall commence. If the landowner and Forest Service cannot agree within this period on the proper purchase price to be paid by the United States for the land or interest in land described in the purchase option, the landowner may request arbitration under subsection (f) of this section.

(f) ARBITRATION PROCESS.—If a landowner and the Forest Service are unable to reach a negotiated settlement on value within the 45-day period of good faith bargaining and negotiation, during the 10 days following this period of good faith bargaining and negotiation the landowner may request arbitration. The process for arbitration shall commence with each party submitting its appraisal and a copy of this legislation, and only its appraisal and a copy of this legislation, to the arbitration panel within 10 days following the receipt by the Forest Service of the request for arbitration. The arbitration panel shall render a written advisory decision on value within 45 days of receipt of both appraisals. This advisory decision shall be forwarded to the Secretary of Agriculture by the arbitration panel with a recommendation to the Secretary that if the land or interest in land at issue is to be purchased that the United States pay a sum certain for the land or interest in land. This sum certain shall fall within the value range established by the two appraisals. Costs of employing the arbitration panel shall be divided equally between the Forest Service and the landowner, unless the arbitration panel recommends either the landowner or the Forest Service bear the entire cost of employing the arbitration panel. The arbitration panel shall not make such a recommendation unless the panel finds that one of the appraisals submitted fails to conform to the Uniform Appraisal Standard for Federal Land Acquisition (Interagency Land Acquisition Conference 1992). In no event, shall the cost of employing the arbitration panel exceed $10,000.

(g) ARBITRATION PANEL.—The arbitration panel shall consist of one appraiser and two lawyers who have substantial experience working with the purchase of land and interests in land by the United States. The Secretary is directed to ask the Federal Center

for Dispute Resolution at the American Arbitration Association to develop lists of no less than ten appraisers and twenty lawyers who possess substantial experience working with federal land purchases to serve as third-party neutrals in the event arbitration is requested by a landowner. Selection of the arbitration panel shall be made by mutual agreement of the Forest Service and landowner. If mutual agreement cannot be reached on one or more panel members, selection of the remaining panel members shall be by blind draw once each party has been allowed the opportunity to strike up to 25 percent of the third-party neutrals named on either list. Of the funds available to the Forest Service, up to $15,000 shall be available to the Federal Center for Dispute Resolution to cover the initial cost of establishing this program. Once established, costs of administering the program shall be borne by the Forest Service, but shall not exceed $5,000 a year.

(h) QUALIFICATIONS OF THIRD-PARTY NEUTRALS.—Each appraiser selected by the Federal Dispute Resolution Center, in addition to possessing substantial experience working with federal land purchases, shall possess qualifications consistent with state regulatory requirements that meet the intent of Title XI, Financial Institutions Reform, Recovery & Enforcement Act of 1989. Each lawyer selected by the Federal Dispute Resolution Center, in addition to possessing substantial experience working with federal land purchases, shall be an active member in good standing of the bar of one of the 50 states or the District of Columbia.

(i) DECISION REQUIRED BY THE SECRETARY OF AGRICULTURE.—Upon receipt of a recommendation by an arbitration panel appointed under subsection (g), the Secretary of Agriculture shall notify the landowner and the CRGNSA of the day the recommendation was received. The Secretary shall make a determination to adopt or reject the arbitration panel's advisory decision and notify the landowner and the CRGNSA of this determination within 45 days of receipt of the advisory decision.

(j) ADMISSABILITY.—Neither the fact that arbitration pursuant to this act has occurred nor the recommendation of the arbitration panel shall be admissible in any court or administrative proceeding.

(k) EXPIRATION DATE.—This act shall expire on October 1, 2002.

SEC. 339. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by Section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities,

(B) the private sector provider terminates its relationship with the agency, or,

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2000''.

REED (AND KENNEDY) AMENDMENT NO. 1358

(Ordered to lie on the table.)

Mr. REED (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 94, line 7, strike ''$86,000,000'' and insert ''$91,000,000''.

On page 132, between lines 20 and 21, insert the following:

SEC. 3 . (a) The total discretionary amount made available by this Act is reduced by $5,000,000: *Provided*, That the reduction pursuant to this subsection shall be made by reducing by a uniform percentage the amount made available for travel, supplies, and printing expenses to the agencies funded by this Act.

(b) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing, by account, of the amounts of the reductions made pursuant to subsection (a).

GORTON AMENDMENT NO. 1359

Mr. GORTON proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 79, line 19 of the bill, strike ''under this Act or previous appropriations Acts.'' and insert in lieu thereof the following: ''under this or any other Act.''

MURRAY (AND OTHERS) AMENDMENT NO. 1360

Mrs. MURRAY (for herself, Mr. DURBIN, and Mr. KERRY) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 122, strike lines 1 through 15.

REID (AND OTHERS) AMENDMENT NO. 1361

Mr. REID (for himself, Mr. CRAIG, and Mr. BRYAN) proposed an amendment to amendment No. 1360 proposed by Mrs. MURRAY to the bill, H.R. 2466, supra; as follows:

In lieu of the language proposed to be stricken, insert:

SEC. . MILLSITES OPINION.

(a) PROHIBITION ON MILLSITE LIMITATIONS.—Notwithstanding the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites under the general mining law (referred to in this section as the ''opinion''), in accordance with the millsite provisions of the Bureau of Land Management's Manual Sec. 3864.1.B (dated 1991), the Bureau of Land Management Handbook for Mineral Examiners H–3890–1, page III–8 (dated 1989), and section 2811.33 of the Forest Service Manual (dated 1990), the Department of the Interior and the Department of Agriculture shall not, for any fiscal year, limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to any patent application grandfathered pursuant to Section 312 of this Interior Appropriations Act of __; any operation or property for which a plan of operations has been previously approved; any operation or property for which a plan of operations has been submitted to the Bureau of Land Management or Forest Service prior to October 1, 2000; or any subsequent amendment or modification to such approved or submitted plans.

(b) NO RATIFICATION.—Nothing in this Act shall be construed as an explicit or tacit adoption, ratification, endorsement or approval of the opinion.

LIEBERMAN AMENDMENTS NOS. 1362–1364

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted three amendments intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1362

On page 18, line 16, strike ''$84,525,000'' and insert ''$86,025,000''.

On page 18, line 19, before the period, insert the following: '', and of which not less than $2,500,000 shall be used to acquire the Weir Farm National Historic Site in Connecticut''.

On page 77, line 16, strike ''$390,975,000'' and insert ''$389,475,000''.

On page 77, line 19, before the colon, insert the following: '', and of which not more than $30,796,000 shall be used for exploration and production supporting research''.

AMENDMENT NO. 1363

On page 17, line 10, strike ''$42,412,000'' and insert ''$43,912,000''.

On page 17, line 14, before the period, insert the following: '', and of which not less than $1,500,000 shall be used for the preservation of the Mark Twain House in Connecticut''.

On page 63, line 1, strike ''$1,239,051,000'' and insert ''$1,237,551,000''.

On page 63, line 6, before the period, insert the following: '': *Provided*, That, of the amounts made available under this heading, not more than $227,400,000 may be used for timber sales management''.

AMENDMENT NO. 1364

On page 18, line 16, strike ''$84,525,000'' and insert ''$86,525,000''.

On page 18, line 19, before the period, insert the following: '', and of which not less than $2,000,000 shall be used to purchase 668 acres of land in Connecticut, known as ''Trout Brook Valley'', from the Aspetuck Land Trust''.

On page 63, line 1, strike ''$1,239,051,000'' and insert ''$1,237,051,000''.

On page 63, line 6, before the period, insert the following: '': *Provided*, That, of the amounts made available under this heading, not more than $226,900,000 may be used for timber sales management''.

TAXPAYER REFUND ACT OF 1999

ABRAHAM (AND WYDEN) AMENDMENT NO. 1365

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1429, supra; as follows:

On page 371, between lines 16 and 17, insert:

SEC. ___. EXPANSION OF DEDUCTION FOR COMPUTER DONATIONS TO SCHOOLS.

(a) EXTENSION OF AGE OF ELIGIBLE COMPUTERS.—Section 170(e)(6)(B)(ii) (defining

qualified elementary or secondary educational contribution) is amended—

(1) by striking ''2 years'' and inserting ''3 years'', and

(2) by inserting ''for the taxpayer's own use'' after ''constructed by the taxpayer''.

(b) REACQUIRED COMPUTERS ELIGIBLE FOR DONATION.—

(1) IN GENERAL.—Section 170(e)(6)(B)(iii) (defining qualified elementary or secondary educational contribution) is amended by inserting '', the person from whom the donor reacquires the property,'' after ''the donor''.

(2) CONFORMING AMENDMENT.—Section 170(e)(6)(B)(ii) is amended by inserting ''or reaquired'' after ''acquired''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

SEC. ___2. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by this Act, is amended by adding at the end the following:

''SEC. 45E. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS.

''(a) GENERAL RULE.—For purposes of section 38, the school computer donation credit determined under this section is an amount equal to 30 percent of the qualified elementary or secondary educational contributions made by the taxpayer during the taxable year.

''(b) QUALIFIED ELEMENTARY OR SECONDARY EDUCATIONAL CONTRIBUTION.—For purposes of this section, the term 'qualified elementary or secondary educational contribution' has the meaning given such term by section 170(e)(6)(B), except that such term shall include the contribution of a computer (as defined in section 168(i)(2)(B)(ii)) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer.

''(c) INCREASED PERCENTAGE FOR CONTRIBUTIONS TO SCHOOLS IN EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND INDIAN RESERVATIONS.—In the case of a qualified elementary or secondary educational contribution to an educational organization or entity located in an empowerment zone or enterprise community designated under section 1391 or an Indian reservation (as defined in section 168(j)(6)), subsection (a) shall be applied by substituting '50 percent' for '30 percent'.

''(d) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply.

''(e) TERMINATION.—This section shall not apply to taxable years beginning on or after the date which is 3 years after the date of the enactment of the New Millennium Classrooms Act.''

(b) CURRENT YEAR BUSINESS CREDIT CALCULATION.—Section 38(b) (relating to current year business credit), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', plus'', and by adding at the end the following:

''(14) the school computer donation credit determined under section 45E(a).''

(c) DISALLOWANCE OF DEDUCTION BY AMOUNT OF CREDIT.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end the following:

''(d) CREDIT FOR SCHOOL COMPUTER DONATIONS.—No deduction shall be allowed for that portion of the qualified elementary or secondary educational contributions (as defined in section 45E(b)) made during the taxable year that is equal to the amount of credit determined for the taxable year under section 45E(a). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52.''

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

''(9) NO CARRYBACK OF SCHOOL COMPUTER DONATION CREDIT BEFORE EFFECTIVE DATE.—No amount of unused business credit available under section 45E may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph.''

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45D the following:

''Sec. 45E. Credit for computer donations to schools.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

GRAHAM (AND OTHERS) AMENDMENT NO. 1366

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. ENZI, Mr. BRYAN, Mr. REID, Mr. VOINOVICH, Mr. GRAMS, and Mr. LUGAR) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON CLASS III GAMING PROCEDURES

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

ABRAHAM AMENDMENT NO. 1367

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 17, line 25, after the colon insert the following: *''Provided further,* That $1,030,000 shall be made available for Isle Royale National Park to address visitor facility and infrastructure deterioration:''.

MUHAMMAD ALI BOXING REFORM ACT

McCAIN AMENDMENT NO. 1368

Mr. SESSIONS (for Mr. MCCAIN) proposed an amendment to the bill (S. 305) to reform unfair and anticompetitive practices in the professional boxing industry; as follows:

On page 5, line 2, before ''The'' insert ''(a) IN GENERAL.—''.

On page 9, between lines 17 and 18, insert the following:

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to contracts executed after the date of enactment of this Act.

On page 9, line 25, strike ''by''.

On page 10, beginning in line 3, strike ''that sanctions professional boxing matches on an interstate basis''.

On page 11, line 2, strike ''within 14 days''.

On page 11, line 4, insert ''within 5 business days'' before ''mail''.

On page 11, line 8, strike ''post a copy, within the 14-day period,'' and insert ''immediately post a copy''.

On page 11, line 14, strike ''Commissions.'' and insert ''Commissions if the organization does not have an address for the boxer or does not have an Internet website or homepage.

On page 12, line 20, strike ''ALTERNATIVE.—In lieu of'' and insert ''POSTING.—In addition to''.

On page 12, line 23, strike ''may'' and insert ''shall''.

On page 15, line 1, strike 'by''.

On page 18, line 11, after ''9(b),'' insert ''9(c),''.

On page 18, line 15, strike ''the violations occur'' and insert ''a violation occurs''.

On page 18, beginning in line 17, strike ''such additional amount as the court finds appropriate,'' and insert ''an additional amount which bears the same ratio to $100,000 as the amount of the gross revenues in excess of $2,000,000 bears to $2,000,000,''.

On page 18, line 19, strike ''and''.

On page 18, between lines 19 and 20, insert the following:

(3) striking in ''section 9'' in paragraph (3), as redesignated, and inserting ''section 9(a)''; and

On page 18, line 20, strike ''(3)'' and insert ''(4)''.

On page 19, line 4, strike ''which the practice involves;'' and insert ''that involves such practices;''.

On page 19, line 15, strike the closing quotation marks and the second period.

On page 19, between lines 15 and 16, insert the following:

''(e) ENFORCEMENT AGAINST FEDERAL TRADE COMMISSION, STATE ATTORNEYS GENERAL, ETC.—Nothing in this Act authorizes the enforcement of—

''(1) any provision of this Act against the Federal Trade Commission, the United States Attorney General, the chief legal officer of any State for acting or failing to act in an official capacity;

''(2) subsection (d) of this section against a State or political subdivision of a State, or any agency or instrumentality thereof; or

''(3) section 15 against a boxer acting in his capacity as a boxer.''.

On page 20, line 5, strike ''amended—'' and insert ''amended by—''.

On page 20, line 6, strike ''by''.

On page 20, line 7, strike ''by''.

REID AMENDMENT NO. 1369

Mr. SESSIONS (for Mr. REID) proposed an amendment to the bill, S. 305, supra; as follows:

On page 18, line 11, strike ''or 17'' and insert 17, or 18''.

On page 20, after line 13, insert the following:

SEC. 9. REQUIREMENTS FOR CONTRACTS BETWEEN BOXERS AND BROADCASTING COMPANIES.

(a) IN GENERAL.—The Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.), as amended by section 6, is amended—

(1) by redesignating section 18, as redesignated by section 6 of this Act, as section 19; and

(2) by inserting after section 17 the following:

"SEC. 18. CONTRACTS BETWEEN BOXERS AND BROADCASTING COMPANIES.

''(a) CONTRACT REQUIREMENTS.—Any contract between a boxer and a broadcast for the broadcaster of a boxing match in which that boxer is competing shall—

''(1) include mutual obligations between the parties; and

''(2) specify either—

''(A) the number of bouts to be broadcast; or

''(B) the duration of the contract.

''(b) PROHIBITIONS.—A broadcaster may not—

''(1) require a boxer to employ a relative or associate of the broadcaster in any capacity as a condition of entering into a contract with the broadcaster;

''(2) have a direct or indirect financial interest in the boxer's manager or management company; or

''(3) make a payment, or provide other consideration, (other than of a de minimus amount or value) to a sanctioning organization or any officer or employee of such an organization in connection with any boxer with whom the broadcaster has a contract, or against whom a boxer with whom is broadcaster has a contract is competing.

''(c) NOTIFICATION OF REDUCTION IN AGREED AMOUNT.—If a broadcaster has a contract with a boxer to broadcast a match in which that boxer is competing, and the broadcaster reduces the amount it agreed to pay the boxer under that contract (whether unilaterally or by mutual agreement), the broadcaster shall notify, in writing within 48 hours after the reduction, the supervising State commission for that match of the reduction.

''(d) ENFORCEMENT.—

''(1) CONTRACT.—A provision in a contract between a broadcaster and a boxer that violates subsection (a) is contrary to public policy and unenforceable at law.

''(2) PROHIBITIONS; NOTIFICATION.—For enforcement of subsections (b) and (c), see section 10.''.

(b) BROADCASTER DEFINED.—Section 2 of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301), as amended by section 8 of this Act, is amended by adding at the end thereof the following:

''(13) BROADCASTER.—The term 'broadcaster' means any person who is a licensee as that term is defined in section 3(24) of the Communications Act of 1934 (47 U.S.C. 153(24)).''.

MOYNIHAN AMENDMENT NO. 1370

Mr. SESSIONS (for Mr. MOYNIHAN) proposed an amendment to the bill, S. 305, supra; as follows:

On page 20, after line 13, add the following:

(d) STANDARDIZED PHYSICAL EXAMINATIONS.—Section 5(1) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6304(1)) is amended by inserting after ''examination'' the following: '', based on guidelines endorsed by the American Medical Association, including a circulo-respiratory check and a neurological examination.''.

(e) CAT SCANS.—Section 6(b)(2) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6305(b)(2)) is amended by inserting before the period the following: ''and, with respect to such renewal, present proof from a physician that such boxer has taken a computerized axial tomography (CAT) scan within the 30-day period preceding that date on which the renewal application is submitted and that no brain damage from boxing has been detected''.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

DURBIN AMENDMENT NO. 1371

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the end of the bill add the following:

SEC. 3 . SHAWNEE NATIONAL FOREST, ILLINOIS.

None of the funds made available under this Act may be used to—

(1) develop a resource management plan for the Shawnee National Forest, Illinois; or

(2) make a sale of timber for commodity purposes produced on land in the Shawnee National Forest from which the expected cost of making the timber available for sale is greater than the expected revenue to the United States from the sale.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Tuesday, July 27, 1999. The purpose of this meeting will be to discuss consolidation and anti-trust issues in agricultural business.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ENZI. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet to mark up S. 1090, the Superfund Program Completion Act of 1999, Tuesday, July 27, 9:30 a.m., Hearing Room (SD–406).

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

COMMITTEE ON FINANCE

Mr. ENZI. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, July 27, 1999 beginning at 2:30 p.m. in room 215 Dirksen.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Health, Labor, and Pensions be authorized to meet for a hearing on ''Innovations in Child Care'' during the session of the Senate on Tuesday, July 27, 1999, at 10:00 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re Oversight of the Criminal Division of the Department of Justice, during the session of the Senate on Tuesday, July 27, 1999, at 2:00 p.m., in SD 628.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs be authorized to meet during the session of the Senate on Tuesday, July 27, 1999 at 2:15 p.m. to hold a roundtable.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. ENZI. Mr. President, I ask unanimous consent that the communications subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 27, 1999, at 9:30 a.m. on privacy on the Internet.

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

SUBCOMMITTEE ON FOREST & PUBLIC LAND MANAGEMENT

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 27, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 439, a bill to amend the National Forest & Public Land of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, S. 719, a bill to provide for the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmentally sensitive land in the State, and for other purposes; S. 930, a bill to provide for the sale of certain public land in the Ivanpah Valley, Nevada, to the Clark County, Nevada, Department of Aviation, S. 1030, a bill to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws; S. 1288, a bill to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes; and S. 1374, a bill to authorize the development and maintenance of a multi-agency campus project in the town of Jackson, Wyoming.

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

ADDITIONAL STATEMENTS

BETH KENNETT AND TRADE MISSION TO IRELAND

• Mr. LEAHY. Mr. President, one of the real treasures of my State of Vermont are the people who live and

work there. Recently, I had the pleasure of leading a trade mission to Ireland with a group of Vermont business owners seeking strategic business alliances to increase trade and tourism between our state and Ireland. One of the members of the delegation, Beth Kennett, traveled to Ireland with specific goals in mind—to increase tourism from Ireland to Vermont and to learn more about agri-tourism.

Beth Kennett is the president of Vermont Farms! as well as a co-owner, along with her husband Bob, of a dairy farm that also serves as a bed and breakfast. On the trip, Mrs. Kennett was hosted by representatives of the agri-tourism industry and visited several agri-tourism farms. She was very enthusiastic throughout her stay and commented later on the diversity of her experiences. She said that one day she found herself wearing Wellies and the next she was meeting the Lord and Lady of the Manor.

I can gladly say that our mission was a success. We were able to open up doors for new business relationships and tourism between Ireland and Vermont, while also bringing back information on how to develop agri-tourism in Vermont. I ask that an article by Associated Press writer David Gram regarding Mrs. Kennett's experience be printed in the record.

The article follows:

[From the Associated Press, June 23, 1999]

FARM LIFE GROWS AS TOURISM DRAW IN VERMONT

(By David Gram)

ROCHESTER, VT. Beth Kennett calls the big, five-story, red barn with its cupola topped with a Holstein-shaped weathervane ''one of the cathedrals of the country.''

And if people from around the world travel to Paris to see the Notre Dame, why not to Rochester's Liberty Hill to see her farm?

In fact, they do. In addition to milking one of the most productive small herds of registered Holsteins in the state, Kennett, her husband Bob and her sons Tom and David—young men who are following their parents into farming—open their sprawling, two-century-old farmhouse to travelers.

They're part of a growing number of Vermont farmers who are bridging the gap between two of the mainstays of Vermont's economy: agriculture and tourism.

The Kennetts' house dates from 1825, the barn from 1889, there are splendid views of the surrounding hills, a mile of frontage on the White River with several good swimming holes, and hiking trails in the abutting Green Mountain National Forest. Down in the well kept barn, there are 65 milkers and, occasionally, a newborn calf to marvel at.

Kennett got into the hospitality business when a big drop in prices paid to farmers for milk in 1984 prompted her and her family to look for new sources of income.

''We took stock of our assets, and decided that since we had this big old farmhouse with 18 rooms, we might as well take advantage of it,'' she recalled.

Now she's got a regular clientele of guests who return year after year, she's president of a statewide association of farmers who offer lodging, tours and other amenities for visitors, and she's just back from joining Sen. Patrick Leahy, D-Vt., on a trade mission to Ireland.

For a full dinner, big breakfast and charming country lodgings complete with wide-board floors, flowered wallpaper and a claw-foot bathtub, Kennett charges $70 per adult and $30 per child. The house can accommodate 15 guests and occasionally is the destination for reunions of several branches of the same family.

''Not only has it been a diversification of income for the farm, but it's been invaluable in the number of friends we've made over the years. And it's a wonderful opportunity to educate the public about agriculture,'' she said.

Kennett is president of an association called VT Farms!, which has grown to 56 members in less than three years of existence.

Their offerings range from pick-your own strawberries and apples to wine tasting to petting zoos. Some 15 to 20 accommodate overnight guests, according to Ron Fisher, who tracks the industry for the Vermont Department of Agriculture.

''What we're looking for with agri-tourism is to literally make this another revenue stream for farmers,'' Fisher said. ''It's not going to replace the milk check, but it's another source of cash flow to the individual who's going to open up the farm to agri-tourism.''

Agri-tourism may be due for a boost from the federal government. Rep. Bernard Sanders, I-Vt., announced earlier this month that the U.S. House had approved a $1 million appropriation for a pilot project to promote the fledgling industry.

Kennett said if some funds become available, she may look for Vermont to apply some of the ideas she picked up in Ireland, where she said farm-based tourism is widely practiced, accepted and considered an integral part of the country's allure for visitors.

Fisher said state officials hope agri-tourism can help stanch the loss of farms in Vermont. There were more than 20,000 in 1950, the fast majority of them dairy operations; today there are fewer than 3,000 dairy farms in the state. Kennett said there were 11 farms shipping milk when she and her husband moved to Rochester from Addison 20 years ago; today, she said, theirs is the last farm in Rochester shipping milk.

Blending a working farm with a hospitality business is a lot of work. Kennett said she's up at milking time to make breakfast for her guests, and spends afternoon preparing dinner for her family and up to 15 guests.

But she said she has no complaints. It's been a great way to beat the isolation which can be a feature of Vermont farm life. She doesn't need to visit the world's concert halls, because there's a family of accomplished violinists who visit every year from Newton, Mass., and put on a concert at the farm.

Then there's the art professor and his class who arrive en masse for a week occasionally. They paint the surrounding scenery and then put on an art show at week's end. And there's the magician from New York who comes and puts on a show each Fourth of July.

''I don't need to go off and see the world,'' Kennett said.''The world comes to me.''●

TRIBUTE TO VERY REVEREND A.G. DOUMATO

Mr. CHAFEE. Mr. President. I rise today to praise and commend the dedication and commitment of Very Reverend Abdulahad Gabriel Doumato who, for the past fifty years, has led the parish of Saint Ephraim's Syrian Orthodox Church in Rhode Island.

Approximately 300 friends, family members, clergymen, elected officials, and parishioners will gather on Sunday, August 1st, to honor Father Doumato on this milestone. A native of Syria, we in his adopted state of Rhode Island have benefitted from and been enriched by Father Doumato's selfless service, devotion, compassion and wisdom—attributes which have characterized his long and distinguished tenure.

Father Doumato is a compassionate individual who cares profoundly for his community. He is a deeply peaceful and religious man who possesses boundless hope and optimism. He has consistently and successfully worked for the betterment of his community and has always served with faith and devotion. Indeed, he is a man of integrity, flawless character, unquestionable commitment, and one who has earned a sterling reputation as a pillar of his community.

The original community of Saint Ephraim's Church in Rhode Island was formed by a group of immigrant families who came to the United States before the turn of the century. This small, industrious community managed to buy a house and use it as a parish center and chapel for worship. The church was subsequently chartered in 1913.

Although Saint Ephraim's has only been in existence for 86 years, the Syrian Orthodox Church has its roots in the original Christian Church of Jerusalem. The dean of Apostles, Saint Peter, who personally anointed his successor before his journey to Rome, founded the Church in Antioch. The Church's current supreme leader, His Holiness Mor Ignatius Zakka I, Patriarch of Antioch and all the East, is the 122nd direct successor of Saint Peter. The church claims a wealth of theological, liturgical, and musical traditions. Indeed, to this day the liturgy is conducted in Aramaic, the language

spoken by Jesus Christ, and was the lingua franca in the Near East.

Mr. President, Father Doumato has enjoyed an interesting and fulfilling career in the ministry of his church. Like many of us, his life has been filled with challenges, hardships and hope. Unlike many of us, however, he has enjoyed some truly unique and rich experiences. He was born in 1918 and raised in the shadow of the Cathedral Church of the Virgin Mary in the city of Homs, Syria. He was educated in Homs, first in his Church's school and later by Jesuit Brothers. His interest in theology and his Church was an early and important part of his life. His father, the late Gabriel Doumato, who immigrated to Rhode Island in 1973, was an ardent supporter of the Church and served his community in many capacities.

Upon completing his education, Father Doumato taught in the Church's schools across Syria. At the beginning of World War II, he entered the French-run National Police Academy and graduated with honors in 1939. For the next ten years, he served as a member of the National Police Force. Throughout this period, he continued to serve the Church as a deacon and was constantly urged by His Holiness Patriarch Ephraim, the Church's supreme leader, to join the ministry. In 1949, he resigned his commission and entered the Seminary of the Syrian Orthodox Church in Syria.

Father Doumato was ordained into the priesthood in August 1950 by His Holiness Patriarch Ephraim and immediately assigned to serve the church in Central Falls, Rhode Island. Because of visa delays however, he was unable to attend to this position for two years. In the meantime, he remained in Homs and served as personal secretary to His Holiness the Patriarch.

Accompanied by his wife, Victoria, and their four young children, Father Doumato arrived in Rhode Island in August 1952 to lead his new congregation. Ever since his arrival, Father Doumato has quietly and faithfully served God, his parish, our State and, indeed, our country. He has also authored numerous publications about the history of the church and its Divine Liturgy. In 1970, his dedication and self-sacrifice was recognized and honored when he was elevated to the position of Cor-Episcopose—the highest distinction of the priesthood. In 1991, he was again honored for his service and was awarded the Holy Cross of the Archdioceses of the United States and Canada.

In closing, I would like to extend my very best wishes on this special occasion to Father Doumato, to his family, and to his parishioners at Saint Ephraim's Church. We are all very proud of Father Doumato, and appreciative of his many contributions to his community, and to our state.

I would now like to recognize my colleague, Senator REED, who also wishes to honor Father Doumato.●

● Mr. REED. Mr. President, I, too, wish to join Senator CHAFEE in paying tribute to the Very Reverend Abdulahad Gabriel Doumato on the occasion of his fiftieth anniversary as leader of the parish of Saint Ephraim's Syrian Orthodox Church in Rhode Island.

A proud and patriotic ''American'', Father Doumato loves his adopted country and is happiest when helping the new immigrants within his flock assimilate into American society. Mr. President, Father Doumato is responsible for sponsoring hundreds of new citizens to our great nation, granting them the opportunity to live the American dream. He has educated these families—including those of six of his brothers and sisters—about our system of government and the privilege, opportunity, and responsibility of American citizenship.

Father Doumato is often heard telling his parishioners, ''There is no country like the United States. It truly is the land of opportunity and you should thank God for the opportunity you have to live in this great land.'' A good shepherd, Father Doumato has been a shining example to his family and his flock.

The Doumatos are a sizable and considerable clan in Rhode Island—the extended family numbers over 120 persons. We cannot imagine that there has been a single elected official in the Blackstone Valley area, or across the State, that has not come into contact with a member of the family. Indeed, father Doumato's children, grandchildren, nephews and nieces have been industrious citizens and have served our country in numerous positions of distinction, including as officers in the Armed Forces, diplomats, university educators, U.S. Senate aides and senior advisors, engineers, and leaders in law, the arts, medicine, commerce and industry. He and his family have richly contributed to the betterment of our community in Rhode Island.

Mr. President, in closing, I would also like to wish Reverend Doumato and his wife, Victoria, a happy and healthy 57th Anniversary, which they will celebrate later this year.

May his children and grandchildren—along with his parishioners—continue to benefit from his wisdom!●

CHANNEL ONE NETWORK

● Mr. BROWNBACK. Mr. President, I will ask to include in the CONGRESSIONAL RECORD two letters recognizing the efforts of the Channel One Network in educating school-age children in the dangers of drug use.

These letters were originally included in the transcript of the Senate Committee on Health, Education, Labor, and Pensions hearing on July 13 regarding Drug Free Schools.

The first is from Richard Bonnette, President of the Partnership for a Drug Free America. Mr. Bonnette thanks Channel One for supporting the mission of Partnership for a Drug-Free America by changing millions of young people's attitudes about drugs.

In the second letter, I join Mr. Bonnette's praise of Channel One's airing of $25 million worth of pro bono anti-drug public service announcements over the last ten years as part of its news broadcasts to school-aged children.

I am pleased to join Mr. Bonnette in congratulating Channel One on their efforts.

I ask that these letters be printed in the RECORD.

The letters follow.

U.S. SENATE,
Washington, DC, July 14, 1999.

Hon. JAMES JEFFORDS,
Chairman, Senate Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I respectfully request that the attached letter from Richard Bonnette, President and CEO of the Partnership for a Drug-Free America be made a part of the record for the Committee's July 13, 1999 hearing on Drug Free Schools.

Mr. Bonnette writes in praise of the excellent public service of the Channel One Network in educating our nation's youth about the dangers of drug use. I would like to join Mr. Bonnette's praise of the Channel One Network.

Over the past ten years, Channel One has aired more than $25 million worth of anti-drug public service announcements as part of its news broadcasts to school-aged children. The efforts of the Channel One Network demonstrates good corporate citizenship. When we in Congress call upon the media and entertainment industries to act responsibly for the benefit of our children, this is part of what we are talking about.

Mr. Bonnette's letter refers to a study conducted between 1995–1997 by the Partnership for a Drug Free America. The study found strong evidence that students in Channel One schools had significantly more negative attitudes about drugs, and were much more aware of the risks of drugs than students in non-Channel One schools. I am pleased to here add my praise of their efforts.

Sincerely,

SAM BROWNBACK,
U.S. Senator.

PARTNERSHIP FOR A DRUG-FREE AMERICA,
New York, NY, May 14, 1999.

Mr. KEVIN MCALILEY,
President and CEO, Channel One Network, New York, NY.

DEAR MR. MCALILEY: I am writing to thank Channel One for its unceasing dedication and steadfast commitment to educating the young people of this country about the dangers of drug use. Channel One has supported the Partnership's mission by extensively covering the drug issue through your programming and by airing more than $25 million worth of anti-drug public service announcements—pro bono—since your inception in 1990. The incontrovertible fact is that because of Channel One, millions of teens are keeping away from drugs.

For the past ten years, Channel One has been instrumental in supporting Partnership for a Drug-Free America's mission by changing millions of young people's attitudes about drugs. This is not speculation—it is fact. The Partnership conducted the Partnership Attitude Tracking Study, 1995–1997 and compared Channel One students' attitudes towards drug use versus those of students from non-Channel One schools. The study found conclusive evidence that Channel One students had significantly more negative attitudes about drugs and were much more

aware of the risks of drugs than students in non-Channel One schools. By utilizing your Web site, Channel One has also been able to expand its reach beyond the Channel One school audience and encourage national youth involvement in this issue.

Please accept our thanks and congratulations for Channel One's important work. Channel One's passion and concern for America's children is admirable and your support of the Partnership has been vital in reinforcing anti-drug messages to teens.

Sincerely,

RICHARD D. BONNETTE.●

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

On July 22, 1999, the Senate passed S. 1217. The text of the bill follows:

S. 1217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $82,485,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1999: *Provided further,* That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further,* That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System, $6,000,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications as mandated by section 104 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 903(d)(1)), $20,000,000, to remain available until expended: *Provided,* That such funds may be transferred to any Department of Justice organization upon approval by the Attorney General: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $27,000,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities; and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided,* That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further,* That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), $15,000,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $30,727,000.

In addition, $59,251,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $32,049,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $7,176,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $299,260,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the funds available in this appropriation, not to exceed $55,166,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through ''Salaries and Expenses'', General Administration: *Provided further,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, $185,740,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $112,318,000: *Provided,* That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $112,318,000 of offsetting collections derived from fees collected in fiscal year 2000 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $589,478,000; of which not to exceed $2,500,000 shall be available until September 30, 2000, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That, notwithstanding any other provision of this Act, of the amount made available under this heading, not to exceed $20,000,000 may be transferred to, and merged with, funds in the ''Federal Prisoner Detention'' appropriations account: *Provided further,* That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further,* That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further,* That not to exceed $1,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes: *Provided further,* That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,044 positions and 9,312 full-time equivalent workyears shall be supported from the funds appropriated in this Act or made available during fiscal year 2000 under any other Act for the United States Attorneys, of which 2,107 positions and 2,171 full-time equivalents shall be dedicated to civil or civil defensive litigation: *Provided further,* That $27,000,000 shall only be available to support or establish task forces to enforce Federal laws related to preventing the possession by criminals of firearms (as defined in section 921(a) of title 18, United States Code), of which $5,000,000 shall be for a task force in each of the paired locations of Philadelphia, Pennsylvania, and Camden, New Jersey; Las Cruces, New Mexico, and Albuquerque, New Mexico; Savannah, Georgia, and Charleston, South Carolina; Baltimore, Maryland, and Prince Georges County, Maryland; and Denver, Colorado, and Salt Lake City, Utah; and of which $1,000,000 shall be for the task force coordinated by the Office of the United States Attorney for the Eastern District of Wisconsin, and $1,000,000 shall be for the task forces coordinated by the Office of the

United States Attorney for the Western District of New York and task forces coordinated by the Office of the United States Attorney for the Northern District of New York.

In addition, $500,000,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $112,775,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $112,775,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,175,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $409,253,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended: *Provided*, That none of the amount made available under this heading may be used to contract with any individual to perform the duties of an officer or employee of the United States Marshals Service on a temporary or intermittent basis, except for prisoner ground transport, service of process, and evictions: *Provided further*, That none of the amount made available under this heading may be used for the service of process on any person by an officer or employee of the United States Marshals Service, unless such service of process is pursuant to a written request made by a judge of the United States (as defined in section 451 of title 28, United States Code) and approved by the Attorney General.

In addition, $138,000,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $9,632,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for the payment of necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: *Provided*, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: *Provided further*, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: *Provided further*, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 5 years: *Provided further*, That with respect to the transportation of Federal, State, local and territorial prisoners and detainees, the lease or rent of aircraft by the Justice Prisoner Air Transport System shall be considered use of public aircraft pursuant to 49 U.S.C. section 40102(a)(37).

For the initial capitalization costs of the Fund, $9,000,000.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $500,000,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $110,000,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; and of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses: *Provided*, That, notwithstanding any other provision of this Act, of the amount made available under this heading, not to exceed $15,000,000 may be transferred to, and merged with, funds in the ''Federal Prisoner Detention'' appropriations account.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $7,199,000.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $20,300,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $304,014,000, of which $20,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS PROGRAM

For expenses necessary to establish and implement the High Intensity Interstate Gang Activity Areas Program (including grants, contracts, cooperative agreements and other assistance) pursuant to section 205 of S. 254 as passed by the Senate on May 20, 1999, and consistent with the funding proportions established therein, $20,000,000.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,692,791,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2001; of which not less than $260,000,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $14,000,000 for research, development, test, and evaluation shall remain available until expended; and of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the automation of fingerprint identification services: *Provided*, That not to exceed $65,000 shall be available for official reception and representation expenses: *Provided further*, That, including reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 27,604 positions and 27,604 full-time equivalent workyears shall be supported from the funds appropriated in this Act or made available during fiscal year 2000 under any other Act for the Federal Bureau of Investigation: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment

to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

In addition, $280,501,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $10,287,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; acquisition, lease, maintenance, and operation of aircraft; $798,187,000, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2001; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

In addition, $419,459,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $5,500,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $1,697,164,000, of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $20,000 during the calendar year beginning January 1, 2000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That any Border Patrol agent classified in a GS–1896 position who completes a 1-year period of service at a GS–9 grade and whose current rating of record is fully successful or higher shall be classified at a GS–11 grade and receive pay at the minimum rate of basic pay for a GS–11 position: *Provided further*, That the Commissioner shall within 90 days develop a plan for coordinating and linking all relevant Immigration and Naturalization Service databases with those of the Justice Department and other Federal law enforcement agencies, to determine criminal history, fingerprint identification, and record of prior deportation, and, upon the approval of the Committees on the Judiciary and the Commerce, Justice, State, and the Judiciary Appropriations Subcommittees, shall implement the plan within fiscal year 2000: *Provided further*, That the Commissioner shall have the authority to provide a language proficiency bonus, as a recruitment incentive, to graduates of the Border Patrol Academy from funds otherwise provided for language training: *Provided further*, That the Commissioner shall fully coordinate and link all Immigration and Naturalization Service databases, including IDENT, with databases of the Department of Justice and other Federal law enforcement agencies containing information on criminal histories and records of prior deportations: *Provided further*, That the Immigration and Naturalization Service shall only accept cash or a cashier's check when receiving or processing applications for benefits under the Immigration and Nationality Act: *Provided further*, That, including reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 29,784 positions and 29,784 full-time equivalent workyears shall be supported from the funds appropriated in this Act or made available during fiscal year 2000 under any other Act for the Immigration and Naturalization Service: *Provided further*, That not to exceed 39 permanent positions and 39 full-time equivalent workyears and $4,284,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis and such augmentation may not exceed 4 full-time equivalent workyears: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed 4 permanent positions and 4 full-time equivalent workyears.

VIOLENT CRIME REDUCTION PROGRAMS

In addition, $873,000,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $138,964,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 708, of which 602 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,116,774,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 2000: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

In addition, $46,599,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $549,791,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation:

Provided further, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this Act or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $168,592,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524), of which $2,000,000 shall be made available to the Department of Psychiatry and Human Behavior at the University of Mississippi School of Medicine for research in addictive disorders and their connection to youth violence, and $204,500,000 for counterterrorism programs, including $40,000,000 as authorized by Section 821 of the Antiterrorism and Effective Death Penalty Act of 1996, respectively: *Provided further,* That none of these funds made available under this heading shall be provided to any State that has failed to establish a comprehensive counterterrorism plan which has been approved by the National Domestic Preparedness Office.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $552,100,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $5,000,000 shall be available to the National Institute of Justice for a national evaluation of the Byrne program, of which $52,100,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: *Provided,* That of the total amount appropriated, not to exceed $1,000,000 shall be available to the TeamMates of Nebraska project.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''), $1,407,450,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $400,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided,* That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further,* That $50,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further,* That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: *Provided further,* That $20,000,000 shall be available to carry out section 102(2) of H.R. 728: *Provided further,* That $30,000,000 shall be available for the Police Corps training program, as authorized by sections 200101–200113 of the 1994 Act; of which $260,000,000 shall be available to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), including for grants for law enforcement equipment for discretionary grants to States, local units of government, and Indian tribes, of which $500,000 is available for a new truck safety initiative in the State of New Jersey, of which $100,000 shall be used to award a grant to Charles Mix County, South Dakota, to upgrade the 911 emergency telephone system, of which $40,000,000 is for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993, of which $15,000,000 is for the National Institute of Justice to develop school safety technologies, of which $12,000,000 is available for the Office of Justice Program's Global Criminal Justice Information Network for work with states and local jurisdictions; of which $100,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $75,000,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $41,000,000 shall be available for the Cooperative Agreement Program, and of which $34,000,000 shall be reserved by the Attorney General for fiscal year 2000 under section 20109(a) of subtitle A of title II of the 1994 Act; of which $10,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $206,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $23,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence, and $10,000,000 which shall be used exclusively for violence on college campuses: *Provided further,* That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, and $10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended; of which $34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $5,000,000 shall be for the Tribal Courts Initiative; of which $300,000 shall be used to award a grant to the Wakpa Sica Historical Society; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $30,000,000 shall be for State and local forensic laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as for improvements to the State and local forensic laboratory general forensic science capabilities to reduce their DNA convicted offender database sample backlog; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $100,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 1999; of which $45,000,000 shall be available for the Indian Country Initiative: *Provided further,* That funds made available in fiscal year 2000 under subpart 1 of

part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further,* That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $40,000,000 to remain available until expended, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided,* That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 104–322) (referred to under this heading as the ''1994 Act''), including administrative costs, $325,000,000 to remain available until expended for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which $140,000,000 shall be derived from the Violent Crime Reduction Trust Fund: *Provided,* That $180,000,000 shall be available for school resource officers: *Provided further,* That not to exceed $17,325,000 shall be expended for program management and administration: *Provided further,* That of the unobligated balances available in this program, $170,000,000 shall be used for innovative community policing programs, of which $90,000,000 shall be used for the Crime Identification Technology Initiative, $25,000,000 shall be used for the Bulletproof Vest Program, and $25,000,000 shall be used for the Methamphetamine Program: *Provided further,* That the funds made available under this heading for the Methamphetamine Program shall be expended as directed in Senate Report 106–76: *Provided further,* That of the funds made available under this heading for school resource officers, $900,000 shall be for a grant to King County, Washington.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (''the Act''), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $277,597,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $6,847,000 shall be available for expenses authorized by part A of title II of the Act, $89,000,000 shall be available for expenses authorized by part B of title II of the Act, and $49,750,000 shall be available for expenses authorized by part C of title II of the Act, of which $500,000 shall be made available for the Youth Advocacy Program: *Provided,* That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $15,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $20,000,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training: *Provided further,* That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: *Provided further,* That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title: *Provided further,* That of the total amount appropriated not to exceed $550,000 shall be available to the Lincoln Action Program's Youth Violence Alternative Project.

In addition, $38,000,000 shall be available for the Safe Schools Initiative.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) and, in addition, $3,500,000, to remain available until expended, for programs authorized by section 1201(h) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Section 110 of division C of Public Law 104–208 is repealed.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided,* That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided,* That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided,* That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 10 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 20 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding any other provision of law, for fiscal year 2000 and thereafter, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice—

(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office; and

(2) shall have final authority over all grants, cooperative agreements, and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office.

SEC. 109. (a)(1) Notwithstanding any other provision of law, for fiscal year 2000, the Attorney General may obligate any funds appropriated for or reimbursed to the Counterterrorism programs, projects or activities of the Department of Justice to purchase or lease equipment or any related items, or to acquire interim services, without regard to any otherwise applicable Federal acquisition rule, if the Attorney General determines that—

(A) there is an exigent need for the equipment, related items, or services in order to support an ongoing counterterrorism, national security, or computer-crime investigation or prosecution;

(B) the equipment, related items, or services required are not available within the Department of Justice; and

(C) adherence to that Federal acquisition rule would—

(i) delay the timely acquisition of the equipment, related items, or services; and

(ii) adversely affect an ongoing counterterrorism, national security, or computer-crime investigation or prosecution.

(2) In this subsection, the term ''Federal acquisition rule'' means any provision of title II or IX of the Federal Property and Administrative Services Act of 1949, the Office of Federal Procurement Policy Act, the Small Business Act, the Federal Acquisition Regulation, or any other provision of law or regulation that establishes policies, procedures, requirements, conditions, or restrictions for procurements by the head of a department or agency or the Federal Government.

(b) The Attorney General shall immediately notify the Committees on Appropriations of the House of Representatives and the Senate in writing of each expenditure under subsection (a), which notification shall include sufficient information to explain the circumstances necessitating the exercise of the authority under that subsection.

SEC. 110. Notwithstanding any other provision of law for fiscal year 2000 and thereafter, in any action brought by a prisoner under section 1979 of the Revised Statutes (42 U.S.C. 1983) against a Federal, State, or local jail, prison, or correctional facility, or any employee or former employee thereof, arising out of the incarceration of that prisoner—

(1) the financial records of a person employed or formerly employed by the Federal, State, or local jail, prison, or correctional facility, shall not be subject to disclosure without the written consent of that person or pursuant to a court order, unless a verdict of liability has been entered against that person; and

(2) the home address, home phone number, social security number, identity of family members, personal tax returns, and personal banking information of a person described in paragraph (1), and any other records or information of a similar nature relating to that person, shall not be subject to disclosure without the written consent of that person, or pursuant to a court order.

SEC. 111. Hereafter, for payments of judgments against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act and its implementation, such sums as may be necessary, to remain available until expended: *Provided*, That the foregoing authority is available solely for payment of judgments and compromise settlements: *Provided further*, That payment of litigation expenses is available under existing authority and will continue to be made available as set forth in the Memorandum of Understanding between the Federal Deposit Insurance Corporation and the Department of Justice, dated October 2, 1998, and may not be paid from amounts provided in this Act.

SEC. 112. Section 2(c) of the Public Law 104–232, as amended, is further amended by replacing ''five'' with ''three''.

SEC. 113. Section 4006 of title 18, United States Code, is amended—

(1) by striking ''The Attorney General'' and inserting the following: ''(a) IN GENERAL.—The Attorney General''; and

(2) by adding at the end the following:

''(b) HEALTH CARE ITEMS AND SERVICES.—

''(1) IN GENERAL.—Payment for costs incurred for the provision of health care items and services for individuals in the custody of the United States Marshals Service shall not exceed the lesser of the amount that would be paid for the provision of similar health care items and services under—

''(A) the medicare program under title XVIII of the Social Security Act; or

''(B) the medicaid program under title XIX of such Act of the State in which the services were provided.

''(2) FULL AND FINAL PAYMENT.—Any payment for a health care item or service made pursuant to this subsection, shall be deemed to be full and final payment.''.

SEC. 114. (a) The Attorney General shall establish by plain rule that it shall be punishable conduct for any Department of Justice employee, in the discharge of his or her official duties, intentionally to—

(1) seek the indictment of any person in the absence of a reasonable belief of probable cause, as prohibited by the Principles of Federal Prosecution, U.S. Attorneys' Manual 9–27.200 et seq.;

(2) fail to disclose exculpatory evidence to the defense, in violation of his or her obligations under Brady v. Maryland, 373 U.S. 83 (1963);

(3) mislead a court as to the guilt of any person by knowingly making a false statement of material fact or law;

(4) offer evidence lawyers know to be false;

(5) alter evidence in violation of 18 U.S.C. 1503;

(6) attempt to corruptly influence or color a witness' testimony with the intent to encourage untruthful testimony, in violation of 18 U.S.C. 1503 and 1512;

(7) violate a defendant's right to discovery under Federal Rule of Criminal Procedure 16(a);

(8) offer or provide sexual activities to any government witness or potential witness as in exchange for or on account of his or her testimony;

(9) improperly disseminate confidential, non-public information to any person during an investigation or trial, in violation of 28 C.F.R. 50.2, Federal Rule of Criminal Procedure 6(e); 18 U.S.C. 2511(1)(c), 18 U.S.C. 2232 (b) and (c), 26 U.S.C. 6103, or United States Attorneys' Manual 1–7.000 et seq.

(b) The Attorney General shall establish a range of penalties for engaging in conduct described above that shall include—

(1) reprimand;

(2) demotion;

(3) dismissal;

(4) referral of ethical charges to the bar;

(5) suspension from employment; and

(6) referral of the allegations, if appropriate, to a grand jury for possible criminal prosecution.

(c) Subsection (a) is not intended to and does not create substantive rights on behalf of criminal defendants, civil litigants, targets or subjects of investigation, witnesses, counsel for represented parties or represented parties, or any other person, and shall not be a basis for dismissing criminal or civil charges or proceedings against any person or for excluding relevant evidence in any proceeding in any court of the United States.

SEC. 115. (a) Hereafter, none of the funds made available by this or any other Act may be used to pay premium pay under title 5, United States Code, sections 5542 to 5549, to any individual employed as an attorney, including an Assistant United States Attorney, in the U.S. Department of Justice for any work performed on or after the date of enactment of this Act.

(b) Hereafter, notwithstanding any other provision of law, neither the United States nor any individual or entity acting on its behalf shall be liable for premium pay under title 5, United States Code, sections 5542 to 5549, for any work performed on or after the date of enactment of this Act by any individual employed as an attorney in the Department of Justice, including an Assistant United States Attorney.

SEC. 116. Notwithstanding any other provision of this Act, the total of the amounts appropriated under this title of this Act is reduced by $2,468,000, out of which the reductions for each account shall be made in accordance with the chart on fiscal year 2000 general pricing level adjustment dated May 4, 1999, provided to Congress by the Department of Justice.

SEC. 117. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277), as amended by section 3028 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), is further amended by striking the first comma and inserting ''for fiscal year 2000 and hereafter,''.

SEC. 118. No funds provided in this Act may be used by the Office of Justice Programs to support a grant to pay for State and local law enforcement overtime in extraordinary, emergency situations unless the Appropriations Committees of both Houses of Congress are notified in accordance with the procedures contained in section 605 of this Act.

SEC. 119. Hereafter, notwithstanding any other provision of law, the Attorney General shall grant a national interest waiver under section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under section 203(b)(2)(A) of such Act (8 U.S.C. 1153(b)(2)(A)) if—

(1) the alien physician seeks to work in an area designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Department of Veterans Affairs; and

(2) a Federal agency or a State department of public health has previously determined that the alien physician's work in such an area or at such facility was in the public interest.

SEC. 120. For fiscal year 2000, the Director of the United States Marshals Service shall, within available funds, provide a magnetometer and not less than one qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico.

SEC. 121. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953 (8 U.S.C. 1356(q)(1)(A)), as amended, is further amended—

(1) by deleting clause (ii);

(2) by renumbering clause (iii) as (ii); and

(3) by striking '', until September 30, 2000,'' in clause (iv) and renumbering that clause as (iii).

SEC. 122. (a) In this section:

(1) The term ''hate crime'' has the meaning given the term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

(2) The term ''older individual'' means an individual who is age 65 or older.

(b) The Attorney General shall conduct a study concerning—

(1) whether an older individual is more likely than the average individual to be the target of a crime;

(2) the extent of crimes committed against older individuals; and

(3) the extent to which crimes committed against older individuals are hate crimes.

(c) Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report containing the results of the study.

SEC. 123. (a) In implementing the Institutional Hearing Program and the Institutional Removal Program of the Immigration and Naturalization Service, the Attorney General shall give priority to—

(1) those aliens serving a prison sentence for a serious violent felony, as defined in section 3559(c)(2)(F) of title 18, United States Code; and

(2) those aliens arrested by the Border Patrol and subsequently incarcerated for drug violations.

(b) Not later than March 31, 2000, the Attorney General shall submit a report to Congress describing the steps taken to carry out subsection (a).

SEC. 124. Notwithstanding any other provision of law, $190,000 of funds granted to the City of Camden, New Jersey, in 1996 as a part of a Federal local law enforcement block grant may be retained by Camden and spent for the purposes permitted by the grant through the end of fiscal year 2000.

This title may be cited as the ''Department of Justice Appropriations Act, 2000''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $26,067,000, of which $1,000,000 shall remain available until expended: *Provided,* That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $45,700,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment, $290,696,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided,* That of the $311,344,000 provided for in direct obligations (of which $308,344,000 is appropriated from the General Fund, $3,000,000 is derived from fee collections, $68,729,000 shall be for Trade Development, $22,549,000 shall be for Market Access and Compliance, $31,420,000 shall be for the Import Administration, $169,398,000 shall be for the United States and Foreign Commercial Service, $14,449,000 shall be for Executive Direction and Administration, and $4,799,000 shall be for carryover restoration: *Provided further,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $55,931,000 to remain available until expended, of which $1,877,000 shall be for inspections and other activities related to national security: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: *Provided further,* That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House and the Senate and other appropriate Committees of the Congress are notified of such proposed action.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $203,379,000 to be made available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $24,937,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $27,627,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $51,158,000, to remain available until September 30, 2001.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $156,944,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, $2,789,545,000 to remain available until expended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $125,209,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $11,009,000, to remain available until expended: *Provided,* That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide

any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by sections 391 and 392 of the Communications Act of 1934, as amended, $30,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further*, That, hereafter, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $18,102,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $785,976,000, to remain available until expended: *Provided*, That of this amount, $785,976,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at $0: *Provided further*, That, during fiscal year 2000, should the total amount of offsetting fee collections be less than $785,976,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further*, That any amount received in excess of $785,976,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,972,000, of which not to exceed $600,000 shall remain available until September 30, 2001.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $288,128,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $109,836,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $226,500,000, to remain available until expended, of which not to exceed $73,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the ''Working Capital Fund''.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $117,500,000, to remain available until expended, of which not to exceed $10,000,000 shall be used to fund a cooperative agreement with the University of South Carolina School of Medicine, and of which not to exceed $10,000,000 shall be used to fund a cooperative agreement with Dartmouth College.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,783,118,000, to remain available until expended, of which $6,000,000 shall be used by the National Ocean Service as response and restoration funding for coral reef assessment, monitoring, and restoration, and from available funds, $1,000,000 shall be made available for essential fish habitat activities, and $250,000 shall be made available for a bull trout habitat conservation plan, of which $112,520,000 shall be used for resource information activities of the National Marine Fisheries Service and $806,000 shall be used for the Narragansett Bay cooperative study conducted by the Rhode Island Department of Environmental Management in cooperation with the Federal Government, of which $390,000 shall be used by the National Ocean Service to upgrade an additional 13 Great Lakes water gauging stations in order to ensure compliance with Year 2000 (Y2K) computer date processing requirements: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $66,426,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further*, That the Secretary of Commerce shall make funds available to implement the mitigation recommendations identified subsequent to the ''1995 Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services'', and shall ensure continuation of weather service coverage for these communities until mitigation activities are completed: *Provided further*, That no general administrative charge shall be applied against any assigned activity included in this Act and, further, that any direct administrative expenses applied against assigned activities shall be limited to five percent of the funds provided for that assigned activity: *Provided further*, That of the amount made available under this heading for the National Marine Fisheries Services Pacific Salmon Treaty Program, $5,000,000 is appropriated for a Southern Boundary and Transboundary Rivers Restoration Fund, subject to express authorization: *Provided further*, That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $670,578,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations listed under the Endangered Species Act, $100,000,000: *Provided*, That, of the amounts provided, $18,000,000 each is made available as direct payments to the States of California, Oregon, Washington, and $20,000,000 is made available as a direct payment to the State of Alaska: *Provided further*, That, of the amounts provided, $6,000,000 shall be made available to Pacific Coastal tribes (as defined by the Secretary of Commerce) through the Department of Commerce, which

shall allocate the funds to tribes in California and Oregon, and to tribes in Washington after consultation with the Washington State Salmon Recovery Funding Board: *Provided further,* That the Secretary ensure the aforementioned $6,000,000 be used for restoration of Pacific Salmonid populations listed under the Endangered Species Act: *Provided further,* That funds to tribes in Washington shall be used only for grants for planning (not to exceed 10 percent of grant), physical design, and completion of restoration projects: *Provided further,* That each tribe receiving a grant in Washington State derived from the aforementioned $6,000,000 provide a report on the specific use and effectiveness of such recovery project grant in restoring listed Pacific Salmonid populations, which report shall be made public and shall be provided to the Committees on Appropriations in the United States House of Representatives and the United States Senate through the Salmon Recovery Funding Board by December 1, 2000: *Provided further,* That $15,000,000 is made available to the State of Washington as a direct payment for implementation of the June 3, 1999 Agreement of the United States and Canada on the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, 1985 (hereafter referred to as the ''Pacific Salmon Treaty'') extending the Treaty framework to include habitat protection objectives: *Provided further,* That $5,000,000 is made available as a direct payment to the State of Alaska for implementation of the June 3, 1999 Agreement of the United States and Canada on the Pacific Salmon Treaty extending the Treaty framework to include habitat protection objectives for fisheries enhancement measures.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $2,038,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $34,046,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (App. 1–11 as amended by Public Law 100–504), $17,900,000.

FISHERIES PROMOTIONAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $1,187,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 208. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided,* That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further,* That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further,* That such fund shall provide services on a competitive basis: *Provided further,* That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2000 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: *Provided further,* That such amounts retained in the fund for fiscal year 2000 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further,* That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further,* That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 209. NEW ENGLAND FISHERY MANAGEMENT COUNCIL. Section 302(a)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(A)) is amended—

(1) by striking ''17'' and inserting ''18''; and

(2) by striking ''11'' and inserting ''12''.

SEC. 210. SENSE OF SENATE WITH RESPECT TO PROMOTING TRAVEL AND TOURISM. (a) FINDINGS.—Congress finds that—

(1) an effective public-private partnership of Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

(2) the private sector, States, and cities currently spend more than $1,000,000,000 annually to promote particular destinations within the United States to international visitors;

(3) other nations are spending hundreds of millions of dollars annually to promote the visits of international tourists to their countries, and the United States will miss a major marketing opportunity if it fails to aggressively compete for an increased share of international tourism expenditures as they continue to increase over the next decade;

(4) a well-funded, well-coordinated international marketing effort, combined with additional public and private sector efforts, would help small and large businesses, as well as State and local governments, share

in the anticipated growth of the international travel and tourism market in the 21st century; and

(5) a long-term marketing effort should be supported to promote increased travel to the United States for the benefit of every sector of the economy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should enact this year, with adequate funding from available resources, legislation that would support international promotional activities by the United States National Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

SEC. 211. STUDY OF A GENERAL ELECTRONIC EXTENSION PROGRAM. Not later than 6 months after the enactment of this Act, the Secretary of Commerce shall report to Congress on possible benefits from a general electronic commerce extension program to help small businesses, not limited to manufacturers, in all parts of the Nation identify and adopt electronic commerce technology and techniques, so that such businesses can fully participate in electronic commerce. Such a general extension service would be analogous to the Manufacturing Extension Program managed by the National Institute of Standards and Technology, and the Cooperative Extension Service managed by the Department of Agriculture. The report shall address, at a minimum, the following—

(1) the need for or opportunity presented by such a program;

(2) some of the specific services that such a program should provide and to whom;

(3) how such a program would serve firms in rural or isolated areas;

(4) how such a program should be established, organized, and managed;

(5) the estimated costs of such a program; and

(6) the potential benefits of such a program to both small businesses and the economy as a whole.

SEC. 212. SENSE OF THE SENATE REGARDING THE EUROPEAN COUNCIL NOISE RULE AFFECTING HUSHKITTED AND REENGINED AIRCRAFT. (a) FINDINGS.—The Senate finds that—

(1) for more than 50 years, the International Civil Aviation Organization (ICAO) has been the single entity vested with the authority to establish international noise and emissions standards; through ICAO's efforts, aircraft noise has decreased by an average of 40 percent since 1970;

(2) ICAO is currently working on an expedited basis on even more stringent international noise standards, taking into account economic reasonableness, technical feasibility and environmental benefits;

(3) international noise and emissions standards are critical to maintaining United States aeronautical industries' economic viability and to obtaining their ongoing commitment to progressively more stringent noise reduction efforts;

(4) European Council (EC) Regulation No. 925/1999, banning certain aircraft meeting the highest internationally recognized noise standards from flying in Europe, undermines the integrity of the ICAO process and undercuts the likelihood that new Stage 4 standards can be developed;

(5) while no regional standard is acceptable, this regulation is particularly offensive; there is no scientific basis for the regulation and it has been carefully crafted to protect European aviation interests while imposing arbitrary, substantial and unfounded cost burdens on United States aeronautical industries;

(6) the vast majority of aircraft that will be affected by EC Regulation No. 925/1999 are operated by United States flag carriers; and

(7) the implementation of EC Regulation No. 925/1999 will result in a loss of jobs in the United States and may cost the United States aviation industry in excess of $2,000,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) EC Regulation No. 925/1999 should be rescinded by the EC at the earliest possible time;

(2) that if this is not done, the Department of State should file a petition regarding EC Regulation No. 925/1999 with ICAO pursuant to Article 84 of the Chicago Convention; and

(3) the Departments of Commerce and Transportation and the United States Trade Representative should use all reasonable means available to them to ensure that the goal of having the rule repealed is achieved.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2000''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $35,903,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $9,652,000, of which $6,751,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $16,911,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and 8 judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,957,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,892,265,000 (including the purchase of firearms and ammunition); of which not to exceed $19,150,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, $100,000,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,581,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act; the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $353,888,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $60,918,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $196,026,000, of which not to exceed $10,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $56,054,000, of which not to exceed $10,000 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law

90–219, $18,476,000; of which $1,800,000 shall remain available through September 30, 2001, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $29,500,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,743,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 10 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 20 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $12,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2000, to receive a salary adjustment in accordance with 28 U.S.C. 461: *Provided*, That $9,611,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

SEC. 305. Notwithstanding any other provision of law, in addition to funds appropriated elsewhere in this title, $2,700,000 is appropriated to the ''Courts of Appeals, District Courts, and Other Judicial Services'' and is provided for the Institute at Saint Anselm College and the New Hampshire State Library.

SEC. 306. Section 604(a)(5) of title 28, United States Code, is amended by adding before the semicolon at the end thereof the following: '', and, notwithstanding any other provision of law, pay on behalf of justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States''.

SEC. 307. PLACE OF HOLDING COURT AT CENTRAL ISLIP, NEW YORK. The second paragraph of section 112(c) of title 28, United States Code, is amended to read ''Court for the Eastern District shall be held at Brooklyn, Hauppauge, Hempstead (including the village of Uniondale), and Central Islip.''.

SEC. 308. WEST VIRGINIA CLERK CONSOLIDATION APPROVAL. Pursuant to the requirements of section 156(d) of title 28, United States Code, Congress hereby approves the consolidation of the Office of the Bankruptcy Clerk with the Office of the District Clerk of Court in the Southern District of West Virginia.

SEC. 309. SENIOR JUDGE'S CHAMBERS IN PROVO, UTAH. The Internal Revenue Service is directed to vacate sufficient space in the Federal Building in Provo, Utah as soon as practicable to provide space for a senior judge's chambers in that building. The General Services Administration is directed to provide interim space for a senior judge's chambers in Provo, Utah and to complete a permanent senior judge's chambers in the Federal Building located in that city as soon as practicable.

SEC. 310. (a) IN GENERAL.—Section 3006A(d)(4)(D)(vi) of title 18, United States Code, is amended by adding after the word ''require'' the following: '', except that the amount of the fees shall not be considered a reason justifying any limited disclosure under section 3006A(d)(4) of title 18, United States Code''.

(b) EFFECTIVE DATE.—This section shall apply to all disclosures made under section 3006A(d) of title 18, United States Code, related to any criminal trial or appeal involving a sentence of death where the underlying alleged criminal conduct took place on or after April 19, 1995.

This title may be cited as ''The Judiciary Appropriations Act, 2000''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation, and disarmament activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $2,671,429,000: *Provided*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That of the amount made available under this heading, $299,480,000 shall be available only for worldwide security upgrades: *Provided further*, That of the amount made available under this heading, $500,000 shall be available only for the National Law Center for Inter-American Free Trade: *Provided further*, That of the amount made available under this heading, $5,000,000 shall be available only for overseas continuing language education: *Provided further*, That of the amount made available under this heading, $13,500,000 shall be available only for the East-West Center: *Provided further*, That of the amount made available under this heading, $6,000,000 shall be available only for overseas representation expenses: *Provided further*, That of the amount made available under this heading, not to exceed $125,000 shall be available only for the Maui Pacific Center: *Provided further*, That no employee of the Department of State shall be detailed to another agency, organization, or institution on a reimbursable or non-reimbursable basis for a total of more than 2 years during any 5-year period, unless the Secretary of State determines that a detail for a period more than a total of 2 years during any 5 year period would further the interests of the Department of State: *Provided further*, That not later than 3 months after the date of enactment of this Act, each employee of the Department of State who has served on detail to another agency, organization, or institution for a total of more than 2 years during the 5-year period preceding the date of enactment of this Act shall terminate the detail, unless the Secretary of State determines that the extension of the detail would further the interests of the Department of State: *Provided further*, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees may be collected during fiscal year 2000 and each fiscal year thereafter, under the authority of section 140(a)(1) of that Act: *Provided further*, That all fees collected under the preceding proviso shall be deposited as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended: *Provided further*, That of the amount made available under this heading for the Bureau of Oceans and International Environment and Scientific Affairs, $5,000,000 is appropriated for a Northern Boundary and Transboundary Rivers Restoration Fund: *Provided further*, That of the amount made available under this heading, not less than $11,000,000 shall be available for the Office of Defense Trade Controls.

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor program services as authorized by section 810 of such Act of 1948; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $80,000,000, to remain available until expended, as authorized in Public

Law 103–236: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $26,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), as amended, $216,476,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling: *Provided further*, That, of the amount appropriated under this heading for the Fulbright program, such sums as may be available may be used for the Tibetan Exchange Program.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended: *Provided*, That, in lieu of the dollar amount specified under the heading ''CAPITAL INVESTMENT FUND'' in this Act, the dollar amount under that heading shall be considered to be $50,000,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $5,850,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,100,000, to remain available until September 30, 2000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $583,496,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, $7,000,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $16,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $128,541,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress, $943,308,000, of which not to exceed $107,000,000 shall remain available until expended for payment of arrearages: *Provided*, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a separate Act that makes payment of arrearages contingent upon United Nations reforms: *Provided further*, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $280,925,000, of which not to exceed $28,093,000 shall remain available until September 30, 2001, and of which not to exceed $137,000,000 shall remain available until expended for payment of arrearages: *Provided*, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a separate Act that makes payment of arrearages contingent upon United Nations reforms: *Provided further*, That any additional amount provided, not to exceed $107,000,000, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945, that was owed to the United States before the date of enactment of this Act shall be applied or used, without fiscal year limitation, to reduce any amount owed by the United States to the United Nations, except that any such reduction pursuant to the authority in this paragraph shall not be made unless expressly authorized by the enactment of a separate Act that makes payment of arrearages contingent upon United Nations reform: *Provided further*, That the funds provided under this heading (other than funds provided to pay arrearages) shall be disbursed in the manner described in the following table:

Mission	*Amount*
UN Disengagement Observer Force	$8,900,000
UN Interim Force in Lebanon	34,000,000
UN Iraq/Kuwait Observer Mission	4,500,000
UN Mission in Bosnia and Herzegovina/UN Mission of Observers in Prevlaka	50,000,000
UN Force in Cyprus	6,500,000
UN Observer Mission in Georgia	5,500,000
UN Mission of Observers to Tajikistan	7,000,000
UN Observer Mission in Sierra Leone	8,500,000
War Crimes Tribunal—Yugoslavia and Rwanda	15,525,000
UN Observer Mission to East Timor	3,500,000

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $19,551,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,939,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $5,733,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $15,549,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324: *Provided further*, That of the amounts made available for the Inter-American Tropical Tuna Commission in fiscal year 2000, not

more than $2,350,000 may be obligated and expended: *Provided further*, That no tuna may be imported in any year from any High Contracting Party to the Convention establishing the Commission (TIAS 2044; 1 UST 231) unless the Party has paid a share of the joint expenses of the Commission proportionate to the share of the total catch from the previous year from the fisheries covered by the Convention which is utilized by that Party.

OTHER

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2000, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, fiscal years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2000, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,500,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

RELATED AGENCIES

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, $362,365,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the Broadcasting Board of Governors to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $23,664,000, to remain available until expended: *Provided*, That funds may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $13,245,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 10 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 20 percent by any such transfers: *Provided*, That not to exceed 10 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 20 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. The Secretary of State is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 404. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 405. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2000 or any fiscal year thereafter should be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 406. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2000 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 407. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

SEC. 408. None of the funds appropriated or otherwise made available in this Act for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet.

SEC. 409. EXTENSION OF TEMPORARY PROTECTED STATUS FOR CERTAIN NATIONALS OF LIBERIA. (a) CONTINUATION OF STATUS.—Notwithstanding any other provision of law, any alien described in subsection (b) who, as of the date of enactment of this Act, is registered for temporary protected status in the United States under section 244(c)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(1)(A)(iv)), or any predecessor law, order, or regulation, shall be entitled to maintain that status through September 30, 2000.

(b) COVERED ALIENS.—An alien referred to in subsection (a) is a national of Liberia or an alien who has no nationality and who last habitually resided in Liberia.

SEC. 410. NOTIFICATION OF INTENT TO SELL CERTAIN UNITED STATES PROPERTIES. Consistent with the regular notification procedures established pursuant to section 34 of the State Department Basic Authorities Act of 1956, the Secretary of State shall notify in writing the Committees on Foreign Relations and Appropriations in the Senate and the Committees on International Relations and Appropriations in the House of Representatives sixty days in advance of any action taken by the Department to enter into any contract for the final sale of properties owned by the United States that have served as United States Embassies, Consulates General, or residences for United States Ambassadors, Chiefs of Missions, or Consuls General.

This title may be cited as the ''Department of State and Related Agencies Appropriations Act, 2000''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $72,664,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $11,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which

is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,893,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

CENSUS MONITORING BOARD

For necessary expenses of the Census Monitoring Board, as authorized by section 210 of Public Law 105–119, $4,000,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $490,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,900,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of 4 full-time individuals under Schedule C of the Excepted Service exclusive of 1 special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson who is permitted 125 billable days.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,250,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $279,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $232,805,000, of which not to exceed $300,000 shall remain available until September 30, 2001, for research and policy studies: *Provided*, That $185,754,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at $47,051,000: *Provided further*, That any offsetting collections received in excess of $185,754,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

Notwithstanding any other provision of law, the Federal Communications Commission is authorized to operate, maintain, and repair its headquarters building, and may negotiate with the lessor or place orders for alterations or building services.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02, $14,150,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $114,059,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding any other provision of law, not to exceed $114,059,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0, to remain available until expended: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $300,000,000, of which $289,000,000 is for basic field programs and required independent audits; $2,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $8,900,000 is for management and administration: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year may be reallocated among participating programs for technology enhancements and demonstration projects in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, and 504 of Public Law 105–119 (111 Stat. 2510), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 of the law to 1997 and 1998 shall be deemed to refer instead to 1999 and 2000, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,300,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $0; and, in addition, to remain available until expended, from fees collected in fiscal year 1998, $130,800,000, and from fees collected in fiscal year 2000, $240,000,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such

consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further*, That the Commission shall conduct a study on the effects of electronic communications networks and extended trading hours on securities markets, including effects on market volatility, market liquidity, and best execution practices.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $246,300,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That $87,000,000 shall be available to fund grants for performance in fiscal year 2000 or fiscal year 2001 as authorized by section 21 of the Small Business Act, as amended: *Provided further*, That $1,800,000 shall be made available to carry out the drug-free workplace demonstration program under section 27 of the Small Business Act (15 U.S.C. 654): *Provided further*, That $23,200,000 shall be available to fund grants for Microloan Technical Assistance as authorized by section 7(m) of the Small Business Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $13,250,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $4,000,000, to be available until expended; and for the cost of guaranteed loans, $164,368,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2001: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2000, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(B)(ii) of the Small Business Act, as amended: *Provided further*, That during fiscal year 2000, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,500,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2000, debentures guaranteed under title III of the Small Business Investment Act of 1958, as amended, shall not exceed the amount authorized under section 20(e)(1)(C)(ii).

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $77,700,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $86,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, including $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of Inspector General.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 10 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 20 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 20 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 20 percent funding for any existing program, project, or activity, or numbers of personnel by 20 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2000.

SEC. 610. Notwithstanding any other provision of law, not more than 20 percent of the amount allocated to any account or subaccount from an appropriation made by this Act that is available for obligation only in the current fiscal year may be obligated during the last two months of the fiscal year.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 613. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 614. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 615. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) Subsection (a)(1) of section 616 of that Act is amended—

(1) by striking ''and'' after ''Gonzalez''; and

(2) by inserting before the semicolon at the end of the following, '', Jean-Yvon Toussaint, and Jimmy Lalanne''.

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2000.

SEC. 616. None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the immediate destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be used to pay to house any individual, other than an attorney, attending a Federal law enforcement training center in a privately owned or operated place of lodging.

SEC. 618. Section 309(j)(8) of the Communications Act of 1934 is amended by adding new paragraph (D) as follows:

''(D) PROTECTION OF INTERESTS.—

''(i) Title 11, United States Code, or any otherwise applicable Federal or state law regarding insolvencies or receiverships, or any succeeding Federal law not expressly in derogation of this subsection, shall not apply to or be construed to apply to the Commission or limit the rights, powers, or duties of the Commission with respect to (a) a license or permit issued by the Commission under this subsection or a payment made to or a debt or other obligation owed to the Commission relating to or rising from such a license or permit, (b) an interest of the Commission in property securing such a debt or other obligation, or (c) an act by the Commission to issue, deny, cancel, or transfer control of such a license or permit.

''(ii) Notwithstanding otherwise applicable law, for each license or construction permit issued by the Commission under this subsection for which a debt or other monetary obligation is owed to the Federal Communications Commission or to the United States, the Commission shall be deemed to have a perfected, first priority security interest in such license or permit, and in the proceeds of sale of such license or permit, to the extent of the outstanding balance of such a debt or other obligation.

''(iii) This paragraph shall apply retroactively, including to pending cases and proceedings whether on appeal or otherwise.''.

SEC. 619. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be provided for or used by the National Security Council or personnel working for or detailed to the Council.

SEC. 620. (a) DEFINITIONS.—For the purposes of this section—

(1) the term ''agency'' means the Federal Communications Commission.

(2) the term ''employee'' means an employee (as defined by section 2105 of title 5, United States Code) who is serving under an appointment without time limitation, and has been currently employed by such agency for a continuous period of at least 3 years; but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

(C) an employee who has been duly notified that he or she is to be involuntarily separated for misconduct or unacceptable performance;

(D) an employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of that title.

(3) The term ''Chairman'' means the Chairman of the Federal Communications Commission.

(b) AGENCY PLAN.—

(1) IN GENERAL.—The Chairman, prior to obligating any resources for voluntary separation incentive payments, shall simultaneously submit to the authorizing and appropriating committees of the House and the Senate and to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced, eliminated, and increased, as appropriate, identified by organizational unit, geographic location, occupational category and grade level;

(B) the time period during which incentives may be paid;

(C) the number and amounts of voluntary separation incentive payments to be offered; and

(D) a description of how the agency will operate without the eliminated positions and functions and with any increased or changed occupational skill mix.

(3) CONSULTATION.—The Director of the Office of Management and Budget shall review the agency's plan and may make appropriate recommendations for the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraph (2) (B) and (C). Any such recommendations shall be submitted simultaneously to the authorizing and appropriating committees of the House and the Senate. The Chairman shall not implement the agency plan without prior written notification to the chairman of each authorizing and appropriating committees of the House and the Senate at least fifteen days in advance of such implementation.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the Chairman to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary incentive payment—

(A) shall be paid in a lump sum, after the employee's separation;

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code (without adjustment for any previous payments made); or

(ii) an amount determined by the Chairman, not to exceed $25,000;

(C) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) under the provisions of this section by not later than September 30, 2001;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final base pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this Act.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—(1) An individual who has received a voluntary separation incentive payment from the agency under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the lump sum incentive payment to the agency.

(2) If the employment under paragraph (1) is with an executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) INTENDED EFFECT ON AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—Voluntary separations under this section are not intended to necessarily reduce the total number of full-time equivalent positions in the Federal Communications Commission. The agency may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

(2) ENFORCEMENT.—The president, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

(h) EFFECTIVE DATE.—This section shall take effect on the date of enactment. (Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, section 101(b).)

SEC. 621. The Secretary of Commerce (hereinafter the ''Secretary'') is hereby authorized and directed to create an ''Interagency Task Force on Indian Arts and Crafts Enforcement'' to be composed of representatives of the United States Trade Representative, the Department of Commerce, the Department of the Interior, the Department of Justice, the Department of the Treasury, the International Trade Administration, and representatives of other agencies and departments in the discretion of the Secretary to devise and implement a coordinated enforcement response to prevent the sale or distribution of any product or goods sold in or shipped to the United States that is not in compliance with the Indian Arts and Crafts Act of 1935, as amended.

SEC. 622 (a) FINDINGS.—The Senate makes the following findings:

(1) When telephone area codes were first introduced in 1947, 86 area codes covered all of North America. There are now more than 215 area codes, and an additional 70 area codes may be required in the next 2 years.

(2) The current system for allocating numbers to telecommunications carriers is woefully inefficient, leading to the exhaustion of a telephone area code long before all the telephone numbers covered by the area code are actually in use.

(3) The proliferation of new telephone area codes causes economic dislocation for businesses and unnecessary cost, confusion, and inconvenience for households.

(4) Principles and approaches exist that would increase the efficiency with which telecommunications carriers use telephone numbering resources.

(5) The May 27, 1999, rulemaking proceeding of the Federal Communications Commission relating to numbering resource optimization seeks to address the growing problem of the exhaustion of telephone area codes.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Federal Communications Commission shall release its report and order on numbering resource optimization not later than December 31, 1999;

(2) such report and order should minimize any disruptions and costs to consumers and businesses associated with the implementation of such report and order; and

(3) such report and order should apply not only to large metropolitan areas but to all areas of the United States that are facing the problem of exhaustion of telephone numbers.

SEC. 623. PROHIBITION ON REQUIREMENT FOR USE OF ACCOUNTING METHOD NOT CONFORMING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. No part of any appropriations contained in this Act shall be used by the Federal Communications Commission to require any person subject to its jurisdiction under the Communications Act of 1934, as amended (47 U.S.C. 151 et seq.) to utilize for any purpose any form or method of accounting that does not conform to Generally Accepted Accounting Principles established by the Financial Accounting Standards Board.

SEC. 624. (a) The total discretionary amount made available by this Act is reduced by $92,000,000: *Provided*, That the reduction pursuant to this subsection shall be taken pro rata from travel, supplies, and printing expenses made available to the agencies funded by this Act, except for activities related to the 2000 census.

(b) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a).

SEC. 625. PROHIBITION OF TRANSFER OF A FIREARM TO AN INTOXICATED PERSON. (a) PROHIBITION OF TRANSFER.—Section 922(d) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) is intoxicated;''.

(b) DEFINITION OF INTOXICATED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) The term 'intoxicated', in reference to a person, means being in a mental or physical condition of impairment as a result of the presence of alcohol in the body of the person.''.

SEC. 626. (a) To implement the June 3, 1999 Agreement of the United States and Canada on the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon (the ''1999 Agreement'') $140,000,000 is authorized only for use and expenditure as described in subsection (b).

(b)(1) $75,000,000 for grants to provide the initial capital for a Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund to be held by the Pacific Salmon Commission and administered jointly by the Pacific Salmon Commission Commissioner for the State of Alaska with Canada according to a trust agreement to be entered into by the United States and Canada for the purposes of research, habitat restoration, and fish enhancement to promote abundance-based, conservation-oriented fishing regimes.

(2) $65,000,000 for grants to provide the initial capital for a Southern Boundary and Transboundary Rivers Restoration and Enhancement Fund to be held by the Pacific Salmon Commission and administered jointly with Canada by the Pacific Salmon Commission Commissioners for the States of Washington, Oregon, and California according to a trust agreement to be entered into by the United States and Canada for the purposes of research, habitat restoration, and fish enhancement to promote abundance-based, conservation-oriented fishing regimes.

(3)(i) Amounts provided by grants under paragraphs (1) and (2) may be held in interest-bearing accounts prior to the disbursement of such funds for program purposes, and any interest earned may be retained for program purposes without further appropriation by Congress;

(ii) the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and Southern Boundary and Transboundary Rivers Restoration and Enhancement Fund are subject to the laws governing Federal appropriations and funds and to unrescinded circulars of the Office of Management and Budget, including the audit requirements of the Office of Management and Budget Circular Nos. A–110, A–122 and A–133; and

(iii) Recipients of funds from the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and Southern Boundary and Transboundary Rivers Restoration and Enhancement Fund, which for the purposes of this subparagraph shall include interest earned pursuant to subparagraph (i), shall keep separate accounts and such records as may be reasonably necessary to disclose the use of the funds as well as facilitate effective audits.

(c) The President shall submit a request for funds to implement this section as part

of his official budget request for the fiscal year 2001.

SEC. 627. Funds made available under Public Law 105–277 for costs associated with implementation of the American Fisheries Act of 1998 (Division C, title II, of Public Law 105–277) for vessel documentation activities shall remain available until expended.

SEC. 628. (a) FINDINGS.—The Senate makes the following findings:

(1) Iran has been designated as a state sponsor of terrorism by the Secretary of State and continues to be among the most active supporters of terrorism in the world.

(2) According to the State Department's annual report entitled ''Patterns of Global Terrorism'', Iran supports Hizballah, Hamas, and the Palestinian Islamic Jihad, terrorist organizations which oppose the Middle East peace process, continue to work for the destruction of Israel, and have killed United States citizens.

(3) A United States district court ruled in March 1998 that Iran should pay $247,000,000 to the family of Alisa Flatow, a United States citizen killed in a bomb attack orchestrated by the Palestinian Islamic Jihad in Gaza in April 1995.

(4) The Government of Iran continues to maintain a repressive political regime in which the civil liberties of the people of Iran are denied.

(5) The State Department Country Report on Human Rights states that the human rights record of the Government of Iran remains poor, including ''extra judicial killings and summary executions; disappearances; widespread use of torture and other degrading treatment; harsh prison conditions; arbitrary arrest and detention; lack of due process; unfair trials; infringement on citizen's privacy; and restrictions on freedom of speech, press, assembly, association, religion, and movement''.

(6) Religious minorities in Iran have been persecuted solely because of their faith, and the Government of Iran has detained 13 members of Iran's Jewish community without charge.

(7) Recent student-led protests in Iran were repressed by force, with possibly five students losing their lives and hundreds more being imprisoned.

(8) The Government of Iran is pursuing an aggressive ballistic missile program with foreign assistance and is seeking to develop weapons of mass destruction which threaten United States allies and interests.

(9) Despite the continuation by the Government of Iran of repressive activities in Iran and efforts to threaten United States allies and interests in the Near East and South Asia, the President waived provisions of the Iran and Libya Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) intended to impede development of the energy sector in Iran.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should condemn in the strongest possible terms the failure of the Government of Iran to implement genuine political reforms and protect the civil liberties of the people of Iran, which failure was most recently demonstrated in the violent repression of student-led protests in Teheran and other cities by the Government of Iran;

(2) the President should support democratic opposition groups in Iran more aggressively;

(3) the detention of 13 members of the Iranian Jewish community by the Government of Iran is a deplorable violation of due process and a clear example of the policies of the Government of Iran to persecute religious minorities; and

(4) the decision of the President to waive provisions of the Iran and Libya Sanctions Act of 1996 intended to impede development of the energy sector in Iran was regrettable and should be reversed as long as Iran continues to threaten United States interests and allies in the Near East and South Asia through state sponsorship of terrorism and efforts to acquire weapons of mass destruction and the missiles to deliver such weapons.

SEC. 629. Section 203(p)(1)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)) is amended—

(1) by striking clause (ii);

(2) by inserting ''or public safety'' after ''law enforcement'';

(3) by striking ''(i)'';

(4) by striking ''(I)'' and inserting ''(i)''; and

(5) by striking ''(II)'' and inserting ''(ii)''.

SEC. 630. PROTECTION OF SENIORS AND THE DISABLED IN FEDERAL FAMILY VIOLENCE PREVENTION PROGRAMS. (a) FINDINGS.—Congress finds that—

(1) of the estimated more than 1,000,000 persons age 65 and over who are victims of family violence each year, at least ⅔ are women;

(2) national statistics are not available on the incidence of domestic or family violence and sexual assault against disabled women, although several studies indicate that abuse of disabled women is of a longer duration compared to abuse suffered by women who are not disabled;

(3) in almost 9 out of 10 incidents of domestic elder abuse and neglect, the perpetrator is a family member, and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators;

(4) the number of reports of elder abuse in the United States increased by 150 percent between 1986 and 1996 and is expected to continue increasing;

(5) it is estimated that at least 5 percent of the Nation's elderly are victims of moderate to severe abuse and that the rate for all forms of abuse may be as high as 10 percent;

(6) elder abuse is severely underreported, with 1 in 5 cases being reported in 1980 and only 1 in 8 cases being reported today;

(7) many older and disabled women fail to report abuse because of shame or as a result of prior unsatisfactory experiences with individual agencies or others who lack sensitivity to the concerns or needs of older or disabled individuals;

(8) many older or disabled individuals also fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(9) disabled women may fear reporting abuse because they are fearful of losing their children in a custody case;

(10) public and professional awareness and identification of violence against older or disabled Americans may be difficult because these persons are not integrated into many social networks (such as schools or jobs), and may become isolated in their homes, which can increase the risk of domestic abuse; and

(11) older and disabled Americans would greatly benefit from policies that develop, strengthen, and implement programs for the prevention of abuse, including neglect and exploitation, and provide related assistance for victims.

(b) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 2001 (42 U.S.C. 3796gg)—

(A) in subsection (a)—

(i) by inserting '', including older women and women with a disability'' after ''combat violent crimes against women''; and

(ii) by inserting '', including older women and women with a disability'' before the period; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting '', including older women and women with a disability'' after ''against women'';

(ii) in paragraph (6), by striking ''and'' after the semicolon;

(iii) in paragraph (7), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(8) developing a curriculum to train and assist law enforcement officers, prosecutors, and relevant officers of the Federal, State, tribal, and local courts in identifying and responding to crimes of domestic violence and sexual assault against older individuals and individuals with a disability and implementing that training and assistance.'';

(2) in section 2002(c)(2) (42 U.S.C. 3796gg–1) by inserting ''and service programs tailored to the needs of older and disabled victims of domestic violence and sexual assault'' before the semicolon; and

(3) in section 2003 (42 U.S.C. 3796gg–2)—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) in paragraph (8), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(9) both the term 'elder' and the term 'older individual' have the meaning given the term 'older individual' in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002); and

''(10) the term 'disability' has the meaning given the term in section 3(3) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(3)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any grant made beginning with fiscal year 2000.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $22,577,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $5,500,000 are rescinded.

DRUG ENFORCEMENT ADMINISTRATION

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

Amounts otherwise available for obligation in fiscal year 2000 for the Drug Diversion Control Fee Account are reduced by $35,000,000.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds provided under the heading, ''Operations, Research, and Facilities'' in the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102–368), $3,400,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

(RESCISSION)

Of the unobligated balances available under this heading, $58,436,000 are rescinded.

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the unobligated balances available under this heading, $18,780,000 are rescinded.

TITLE VIII—CHILDREN WHO WITNESS DOMESTIC VIOLENCE PROTECTION ACT

SEC. 801. SHORT TITLE. This title may be cited as the ''Children Who Witness Domestic Violence Protection Act''.

SEC. 802. FINDINGS. Congress finds the following:

(1) Witnessing domestic violence has a devastating impact on children, placing the children at high risk for anxiety, depression, and, potentially, suicide. Many children who witness domestic violence exhibit more aggressive, antisocial, fearful, and inhibited behaviors.

(2) Children exposed to domestic violence have a high risk of experiencing learning difficulties and school failure. Research finds that children residing in domestic violence shelters exhibit significantly lower verbal and quantitative skills when compared to a national sample of children.

(3) Domestic violence is strongly correlated with child abuse. Studies have found that between 50 and 70 percent of men who abuse their female partners also abuse their children. In homes in which domestic violence occurs, children are physically abused and neglected at a rate 15 times higher than the national average.

(4) Men who witnessed parental abuse during their childhood have a higher risk of becoming physically aggressive in dating and marital relationships.

(5) Exposure to domestic violence is a strong predictor of violent delinquent behavior among adolescents. It is estimated that between 20 percent and 40 percent of chronically violent adolescents have witnessed extreme parental conflict.

(6) Women have an increased risk of experiencing battering after separation from an abusive partner. Children also have an increased risk of suffering harm during separation.

(7) Child visitation disputes are more frequent when families have histories of domestic violence, and the need for supervised visitation centers far exceeds the number of available programs providing those centers, because courts therefore—

(A) order unsupervised visitation and endanger parents and children; or

(B) prohibit visitation altogether.

(8) Recent studies have demonstrated that up to 50 percent of children who appear before juvenile courts in matters involving allegations of abuse and neglect have been exposed to domestic violence in their homes.

SEC. 803. DEFINITIONS. In this title:

(1) DOMESTIC VIOLENCE.—The term ''domestic violence'' includes an act or threat of violence, not including an act of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction of the victim, or by any other person against a victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.

(2) INDIAN TRIBAL GOVERNMENT.—The term ''Indian tribal government'' has the meaning given the term ''tribal organization'' in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) WITNESS DOMESTIC VIOLENCE.—

(A) IN GENERAL.—The term ''witness domestic violence'' means to witness—

(i) an act of domestic violence that constitutes actual or attempted physical assault; or

(ii) a threat or other action that places the victim in fear of domestic violence.

(B) WITNESS.—In subparagraph (A), the term ''witness'' means to—

(i) directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

(ii) be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

SEC. 804. GRANTS TO ADDRESS THE NEEDS OF CHILDREN WHO WITNESS DOMESTIC VIOLENCE. (a) IN GENERAL.—The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

''SEC. 319. MULTISYSTEM INTERVENTIONS FOR CHILDREN WHO WITNESS DOMESTIC VIOLENCE.

''(a) GRANTS AUTHORIZED.—

''(1) AUTHORITY.—The Secretary, acting through the Director of Community Services, in the Administration for Children and Families, is authorized to award grants to eligible entities to conduct programs to encourage the use of domestic violence intervention models using multisystem partnerships to address the needs of children who witness domestic violence.

''(2) TERM AND AMOUNT.—Each grant awarded under this section shall be awarded for a term of 3 years and in an amount of not more than $500,000 for each such year.

''(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(A) be a nonprofit private organization;

''(B)(i) demonstrate recognized expertise in the area of domestic violence and the impact of domestic violence on children; or

''(ii) enter into a memorandum of understanding regarding the intervention program that—

''(I) is entered into with the State or tribal domestic violence coalition and entities carrying out domestic violence programs that provide shelter or related assistance in the locality in which the intervention program will be operated; and

''(II) demonstrates collaboration on the intervention program with the coalition and entities and the support of the coalition and entities for the intervention program; and

''(C) demonstrate a history of providing advocacy, health care, mental health, or other crisis-related services to children.

''(b) USE OF FUNDS.—An entity that receives a grant under this section shall use amounts provided through the grant to conduct a program to design or replicate, and implement, domestic violence intervention models that use multisystem partners to respond to the needs of children who witness domestic violence. Such a program shall—

''(1)(A) involve collaborative partnerships with—

''(i) local entities carrying out domestic violence programs that provide shelter or related assistance; and

''(ii) partners that are courts, schools, social service providers, health care providers, police, early childhood agencies, entities carrying out Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.), or entities carrying out child protection, welfare, job training, housing, battered women's service, or children's mental health programs; and

''(B) be carried out to design and implement protocols and systems to identify, refer, and appropriately respond to the needs of, children who witness domestic violence and who participate in programs administered by the partners;

''(2) include guidelines to evaluate the needs of a child and make appropriate intervention recommendations;

''(3) include institutionalized procedures to enhance or ensure the safety and security of a battered parent, and as a result, the child of the parent;

''(4) provide direct counseling and advocacy for adult victims of domestic violence and their children who witness domestic violence;

''(5) include the development or replication of a mental health treatment model to meet the needs of children for whom such treatment has been identified as appropriate;

''(6) include policies and protocols for maintaining the confidentiality of the battered parent and child;

''(7) provide community outreach and training to enhance the capacity of professionals who work with children to appropriately identify and respond to the needs of children who witness domestic violence;

''(8) include procedures for documenting interventions used for each child and family; and

''(9) include plans to perform a systematic outcome evaluation to evaluate the effectiveness of the interventions.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) TECHNICAL ASSISTANCE.—Not later than 90 days after the date of enactment of this section, the Secretary shall identify successful programs providing multisystem and mental health interventions to address the needs of children who witness domestic violence. Not later than 60 days before the Secretary solicits applications for grants under this section, the Secretary shall enter into an agreement with 1 or more entities carrying out the identified programs to provide technical assistance to the applicants and recipients of the grants. The Secretary may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (e) to provide the technical assistance.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2000 through 2002.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

''(f) DEFINITIONS.—In this section, the terms 'domestic violence' and 'witness domestic violence' have the meanings given the terms in section 803 of the Children Who Witness Domestic Violence Protection Act.''.

(b) ADMINISTRATION.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking ''an employee'' and inserting ''1 or more employees''; and

(2) by striking ''The individual'' and inserting ''Each individual''.

SEC. 805. COMBATTING THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN. (a) AMENDMENT.—Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

''SEC. 4124. GRANTS TO COMBAT THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

''(a) GRANTS AUTHORIZED.—

''(1) AUTHORITY.—The Secretary is authorized to award grants to and enter into contracts with elementary schools and secondary schools that work with experts described in paragraph (2), to enable the schools—

''(A) to provide training to school administrators, faculty, and staff, with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children;

''(B) to provide educational programing to students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

''(C) to provide support services for students and school personnel for the purpose of developing and strengthening effective prevention and intervention strategies with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children; and

''(D) to develop and implement school system policies regarding identification and referral procedures for students who are experiencing or witnessing domestic violence.

''(2) EXPERTS.—The experts referred to in paragraph (1) are experts on domestic violence from the educational, legal, youth, mental health, substance abuse, and victim advocacy fields, and State and local domestic violence coalitions and community-based youth organizations.

''(3) AWARD BASIS.—The Secretary shall award grants and contracts under this section on a competitive basis.

''(4) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding preventing domestic violence and the impact of experiencing or witnessing domestic violence on children.

''(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

''(1) To provide training for school administrators, faculty, and staff that addresses issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this paragraph on children.

''(2) To provide education programs for students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

''(3) To develop and implement school system policies regarding identification and referral procedures for students who are experiencing or witnessing domestic violence.

''(4) To provide the necessary human resources to respond to the needs of students and school personnel when faced with the issue of domestic violence, such as a resource person who is either on-site or on-call, and who is an expert in domestic violence as described in subsection (a)(2).

''(5) To provide media center materials and educational materials to schools that address issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this paragraph on children.

''(6) To conduct evaluations to assess the impact of programs assisted under this section in order to enhance the development of the programs.

''(c) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (b) shall address issues of victim safety and confidentiality that are consistent with applicable Federal and State laws.

''(d) APPLICATION.—

''(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school, in consultation with an expert described in subsection (a)(2), shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall—

''(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the uses described in subsection (b);

''(B) describe how the domestic violence experts described in subsection (a)(2) shall work in consultation and collaboration with the elementary school or secondary school; and

''(C) provide measurable goals and expected results from the use of the funds provided under the grant or contract.

''(e) DEFINITIONS.—In this section, the terms 'domestic violence' and 'witness domestic violence' have the meanings given the terms in section 803 of the Children Who Witness Domestic Violence Protection Act.

''(f) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4004 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7104) is amended—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2) by striking the period and inserting ''; and ''; and

(3) by adding at the end the following:

''(3) $5,000,000 for each of the fiscal years 2000 through 2002 to carry out section 4124.''.

SEC. 806. CHILD WELFARE WORKER TRAINING ON DOMESTIC VIOLENCE. (a) DEFINITIONS.—In this section:

(1) GRANTEE.—The term ''grantee'' means a recipient of a grant under this section.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) GRANTS AUTHORIZED.—

(1) AUTHORITY.—The Attorney General and the Secretary are authorized to jointly award grants to eligible States, Indian tribal governments, and units of local government, in order to encourage agencies and entities within the jurisdiction of the States, organizations, and units to recognize and treat, as part of their ongoing child welfare responsibilities, domestic violence as a serious problem threatening the safety and well-being of both children and adults.

(2) TERM AND AMOUNT.—Each grant awarded under this section shall be awarded for a term of 3 years and in an amount of not less than $250,000.

(c) USE OF FUNDS.—Funds provided under this section may be used to support child welfare service agencies in carrying out, with the assistance of entities carrying out community-based domestic violence programs, activities to achieve the following purposes:

(1) To provide training to the staff of child welfare service agencies and domestic violence programs with respect to the issue of domestic violence and the impact of the violence on children and their nonabusive parents, which training shall—

(A) include training for staff, supervisors, and administrators, including staff responsible for screening, intake, assessment, and investigation of reports of child abuse and neglect; and

(B) be conducted in collaboration with child welfare experts, domestic violence experts, entities carrying out community-based domestic violence programs, relevant law enforcement agencies, probation officers, prosecutors, and judges.

(2) To provide assistance in the modification of policies, procedures, programs, and practices of child welfare service agencies and domestic violence programs in order to ensure that the agencies—

(A) recognize the overlap between child abuse and domestic violence in families, the dangers posed to both child and adult victims of domestic violence, and the physical, emotional, and developmental impact of domestic violence on children;

(B) develop relevant protocols for screening, intake, assessment, and investigation of and followup to reports of child abuse and neglect, that—

(i) address the dynamics of domestic violence and the relationship between child abuse and domestic violence; and

(ii) enable the agencies to assess the danger to child and adult victims of domestic violence;

(C) identify and assess the presence of domestic violence in child protection cases, in a manner that ensures the safety of all individuals involved and the protection of confidential information;

(D) increase the safety and well-being of children who witness domestic violence, including increasing the safety of nonabusive parents of the children;

(E) develop appropriate responses in cases of domestic violence, including safety plans and appropriate services for both the child and adult victims of domestic violence;

(F) establish and enforce procedures to ensure the confidentiality of information relating to families that is shared between child welfare service agencies and community-based domestic violence programs, consistent with law (including regulations) and guidelines;

(G) provide appropriate supervision to agency staffs who work with families in which there has been domestic violence, including supervision concerning issues regarding—

(i) promoting staff safety; and

(ii) protecting the confidentiality of child and adult victims of domestic violence; and

(H) develop protocols with law enforcement, probation, and other justice agencies in order to ensure that justice system interventions and protections are readily available for victims of domestic violence served by the social service agency.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State, Indian tribal government, or unit of local government shall submit an application to the Attorney General and the Secretary at such time and in such manner as the Attorney General and the Secretary shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain information that—

(A) describes the specific activities that will be undertaken to achieve 1 or more of the purposes described in subsection (c);

(B) lists the child welfare service agencies and domestic violence service agencies in the jurisdiction of the applicant that will be responsible for carrying out the activities; and

(C) provides documentation from 1 or more community-based domestic violence programs that the entities carrying out such programs—

(i) have been involved in the development of the application; and

(ii) will assist in carrying out the specific activities described in subparagraph (A), which may include assisting as subcontractors.

(e) PRIORITY.—In awarding grants under this section, the Attorney General and the Secretary shall give priority to applicants who demonstrate that entities that carry out domestic violence programs will be substantially involved in carrying out the specific activities described in subsection (d)(2)(A), and to applicants who demonstrate a commitment to educate the staff of child welfare service agencies about—

(1) the impact of domestic violence on children;

(2) the special risks of child abuse and neglect; and

(3) appropriate services and interventions for protecting both the child and adult victims of domestic violence.

(f) EVALUATION, REPORTING, AND DISSEMINATION.—

(1) EVALUATION AND REPORTING.—Each grantee shall annually submit to the Attorney General and the Secretary a report, which shall include—

(A) an evaluation of the effectiveness of activities funded with a grant awarded under this section; and

(B) such additional information as the Attorney General and the Secretary may require.

(2) DISSEMINATION.—Not later than 6 months after the expiration of the 3-year period beginning on the initial date on which grants are awarded under this section, the Attorney General and the Secretary shall distribute to each State child welfare service agency and each State domestic violence coalition, and to Congress, a summary of information on—

(A) the activities funded with grants under this section; and

(B) any related initiatives undertaken by the Attorney General or the Secretary to promote attention by the staff of child welfare service agencies and community-based domestic violence programs to domestic violence and the impact of domestic violence on child and adult victims of domestic violence.

(g) TECHNICAL ASSISTANCE.—

(1) IDENTIFICATION OF SUCCESSFUL PROGRAMS.—Not later than 90 days after the date of enactment of this section, the Secretary shall identify successful programs providing training to child welfare and domestic violence programs to address the needs of children who witness domestic violence.

(2) AGREEMENT.—Not later than 60 days before the Secretary solicits applications for grants under this section, the Secretary shall enter into an agreement with 1 or more entities carrying out the training programs identified under paragraph (1) to provide technical assistance to the applicants and recipients of the grants.

(3) FUNDING.—The Secretary may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (h) to provide technical assistance pursuant to the agreement under paragraph (2).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2000 through 2002.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

SEC. 807. SAFE HAVENS FOR CHILDREN. (a) GRANTS AUTHORIZED.—The Attorney General may award grants to States (including State courts) and Indian tribal governments in order to enable them to enter into contracts and cooperative agreements with public or private nonprofit entities (including tribal organizations and nonprofit organizations operating within the boundaries of an Indian reservation) to assist those entities in establishing and operating supervised visitation centers for purposes of facilitating supervised visitation and visitation exchange of children by and between parents. Not less than 50 percent of the total amount awarded to a State or Indian tribal government under this subsection for any fiscal year shall be used to enter into contracts and cooperative agreements with private nonprofit entities.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall consider—

(1) the number of families to be served by the proposed visitation center;

(2) the extent to which the proposed supervised visitation center will serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State or tribal domestic violence coalition, State or tribal sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims;

(4) the extent to which the applicant demonstrates coordination and collaboration with State, tribal, and local court systems, including mechanisms for communication and referral; and

(5) the extent to which the applicant demonstrates implementation of domestic violence and sexual assault training for all staff members.

(c) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement awarded under this section may be used only to establish and operate supervised visitation centers.

(d) APPLICATION.—

(1) IN GENERAL.—The Attorney General shall award grants for contracts and cooperative agreements under this section in accordance with such regulations as the Attorney General may establish by regulation, which regulations shall establish a multiyear grant process.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence or sexual assault;

(B) demonstrate collaboration with and support of the State or tribal domestic violence coalition, State or tribal sexual assault coalition, or local domestic violence shelter, program, or rape crisis center in the locality in which the supervised visitation center will be operated;

(C) provide supervised visitation and visitation exchange services over the duration of a court order to promote continuity and stability;

(D) ensure that any fees charged to individuals for use of services are based on an individual's income;

(E) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation; and

(F) describe standards by which the supervised visitation center will operate.

(3) PRIORITY.—In awarding grants for contracts and cooperative agreements under this section, the Attorney General shall give priority to States that, in making a custody determination—

(A) consider domestic violence; and

(B) require findings on the record.

(e) ANNUAL REPORT.—Not later than 120 days after the last day of each fiscal year, the Attorney General shall submit to Congress a report that includes information concerning—

(1) the total number of individuals served and the total number of individuals turned away from services (categorized by State), the number of individuals from underserved populations served and the number turned away from services, and the factors that necessitate the supervised visitation or visitation exchange, such as domestic violence, child abuse, sexual assault, and emotional or other physical abuse, or any combination of such factors;

(2) the number of supervised visitations or visitation exchanges ordered during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(3) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which the supervised visitation centers are established under this section;

(4) safety and security problems occurring during the reporting period during supervised visitations or at visitation centers including the number of parental abduction cases;

(5) the number of parental abduction cases in a judicial district using supervised visitation services, both as identified in criminal prosecutions and in custody violations; and

(6) program standards for operating supervised visitation centers established throughout the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $20,000,000 for each of fiscal years 2000 through 2002.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) DISTRIBUTION.—Not less than 95 percent of the total amount made available to carry out this section for each fiscal year shall be used to award grants, contracts, or cooperative agreements.

(4) ALLOTMENT FOR INDIAN TRIBES.—

(A) IN GENERAL.—Subject to subparagraph (B), not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to, or contracts or cooperative agreements with, tribal organizations and nonprofit organizations operating within the boundaries of an Indian reservation.

(B) REALLOTMENT OF FUNDS.—If, beginning 9 months after the first day of any fiscal year for which amounts are made available under this paragraph, any amount made available under this paragraph remains unobligated, the unobligated amount may be allocated without regard to subparagraph (A).

SEC. 808. LAW ENFORCEMENT OFFICER TRAINING. (a) GRANTS AUTHORIZED.—The Attorney General shall award grants to nonprofit domestic violence programs, shelters, or organizations in collaboration with local police departments, for purposes of training local police officers regarding appropriate treatment of children who have witnessed domestic violence.

(b) USE OF FUNDS.—A domestic violence agency working in collaboration with a local police department may use amounts provided under a grant under this section—

(1) to train police officers in child development and issues related to witnessing domestic violence so they may appropriately—

(A) apply child development principles to their work in domestic violence cases;

(B) recognize the needs of children who witness domestic violence;

(C) meet children's immediate needs at the scene of domestic violence;

(D) call for immediate therapeutic attention to be provided to the child by an advocate from the collaborating domestic violence program, shelter, or organization; and

(E) refer children for followup services; and

(2) to establish a collaborative working relationship between police officers and local domestic violence programs, shelters, and organizations.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to be awarded a grant under this section for any fiscal year, a local domestic violence program, shelter, or organization, in collaboration with a local police department, shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for amounts provided under the grant and the plan for implementation of the uses described in subsection (c);

(B) describe the manner in which the local domestic violence program, shelter, or organization shall work in collaboration with the local police department; and

(C) provide measurable goals and expected results from the use of amounts provided under the grant.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $3,000,000 for each of fiscal years 2000 through 2002.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

SEC. 809. REAUTHORIZATION OF CRISIS NURSERIES. (a) AUTHORITY TO ESTABLISH DEMONSTRATION GRANT PROGRAMS.—The Secretary of Health and Human Services may establish demonstration programs under which grants are awarded to States to assist private and public agencies and organizations in providing crisis nurseries for children who are abused and neglected, are at risk of abuse or neglect, are witnessing domestic violence, or are in families receiving child protective services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2000 through 2002.

TITLE IX—HATE CRIMES PREVENTION

SEC. 901. SHORT TITLE. This title may be cited as the ''Hate Crimes Prevention Act of 1999''.

SEC. 902. FINDINGS. Congress finds that—

(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate to address this problem;

(4) such violence affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias, Federal jurisdiction over certain violent crimes motivated by bias is necessary to supplement State and local jurisdiction and ensure that justice is achieved in each case;

(10) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes;

(11) the problem of hate crime is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions; and

(12) freedom of speech and association are fundamental values protected by the first amendment to the Constitution of the United States, and it is the purpose of this title to criminalize acts of violence, and threats of violence, carried out because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim, not to criminalize beliefs in the abstract.

SEC. 903. DEFINITION OF HATE CRIME. In this title, the term ''hate crime'' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 904. PROHIBITION OF CERTAIN ACTS OF VIOLENCE. Section 245 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if—

''(i) death results from the acts committed in violation of this paragraph; or

''(ii) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2)(A) Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived religion, gender, sexual orientation, or disability of any person—

''(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—

''(I) death results from the acts committed in violation of this paragraph; or

''(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

''(ii) the offense is in or affects interstate or foreign commerce.

''(3) No prosecution of any offense described in this subsection may be undertaken by the United States, except upon the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(A) he or she has reasonable cause to believe that the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(B) that he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(i) the State does not have jurisdiction or refuses to assume jurisdiction;

''(ii) the State has requested that the Federal Government assume jurisdiction; or

''(iii) actions by State and local law enforcement officials have or are likely to leave demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.''.

SEC. 905. DUTIES OF FEDERAL SENTENCING COMMISSION. (a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 906. GRANT PROGRAM. (a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes.

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

SEC. 907. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT. There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2000, 2001, and 2002 such sums as are

necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by this title).

SEC. 908. SEVERABILITY. If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 909. HATE CRIMES. (a) DECLARATIONS.—Congress declares that—

(1) further efforts must be taken at all levels of government to respond to the staggering brutality of hate crimes that have riveted public attention and shocked the Nation;

(2) hate crimes are prompted by bias and are committed to send a message of hate to targeted communities, usually defined on the basis of immutable traits;

(3) the prominent characteristic of a hate crime is that it devastates not just the actual victim and the victim's family and friends, but frequently savages the community sharing the traits that caused the victim to be selected;

(4) any efforts undertaken by the Federal Government to combat hate crimes must respect the primacy that States and local officials have traditionally been accorded in the criminal prosecution of acts constituting hate crimes; and

(5) an overly broad reaction by the Federal Government to this serious problem might ultimately diminish the accountability of State and local officials in responding to hate crimes and transgress the constitutional limitations on the powers vested in Congress under the Constitution.

(b) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF HATE CRIME.—In this paragraph, the term ''hate crime'' means—

(i) a crime described in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note); and

(ii) a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall select 10 jurisdictions with laws classifying certain types of crimes as hate crimes and 10 jurisdictions without such laws from which to collect data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data to be collected are—

(i) the number of hate crimes that are reported and investigated;

(ii) the percentage of hate crimes that are prosecuted and the percentage that result in conviction;

(iii) the length of the sentences imposed for crimes classified as hate crimes within a jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no hate crime laws; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data under this paragraph.

(2) STUDY OF TRENDS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States and the General Accounting Office shall complete a study that analyzes the data collected under paragraph (1) and under the Hate Crime Statistics Act of 1990 to determine the extent of hate crime activity throughout the country and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States and the General Accounting Office shall identify any trends in the commission of hate crimes specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number of hate crimes that are prosecuted and the number for which convictions are obtained.

(c) MODEL STATUTE.—

(1) IN GENERAL.—To encourage the identification and prosecution of hate crimes throughout the country, the Attorney General shall, through the National Conference of Commissioners on Uniform State Laws of the American Law Institute or another appropriate forum, and in consultation with the States, develop a model statute to carry out the goals described in subsection (a) and criminalize acts classified as hate crimes.

(2) REQUIREMENTS.—In developing the model statute, the Attorney General shall—

(A) include in the model statute crimes that manifest evidence of prejudice; and

(B) prepare an analysis of all reasons why any crime motivated by prejudice based on any traits of a victim should or should not be included.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation, shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(ii) constitutes a felony under the laws of the State; and

(iii) is motivated by prejudice based on the victim's race, ethnicity, or religion or is a violation of the State's hate crime law.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State.

(2) GRANTS.—

(A) IN GENERAL.—There is established a grant program within the Department of Justice to assist State and local officials in the investigation and prosecution of hate crimes.

(B) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this paragraph shall—

(i) describe the purposes for which the grant is needed; and

(ii) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute the hate crime.

(C) DEADLINE.—An application for a grant under this paragraph shall be approved or disapproved by the Attorney General not later than 24 hours after the application is submitted.

(D) GRANT AMOUNT.—A grant under this paragraph shall not exceed $100,000 for any single case.

(E) REPORT.—Not later than December 31, 2001, the Attorney General, in consultation with the National Governors' Association, shall submit to Congress a report describing the applications made for grants under this paragraph, the award of such grants, and the effectiveness of the grant funds awarded.

(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2000 and 2001.

(e) INTERSTATE TRAVEL TO COMMIT HATE CRIME.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''§ 249. Interstate travel to commit hate crime

''(a) IN GENERAL.—A person, whether or not acting under color of law, who—

''(1) travels across a State line or enters or leaves Indian country in order, by force or threat of force, to willfully injure, intimidate, or interfere with, or by force or threat of force to attempt to injure, intimidate, or interfere with, any person because of the person's race, color, religion, or national origin; and

''(2) by force or threat of force, willfully injures, intimidates, or interferes with, or by force or threat of force attempts to willfully injure, intimidate, or interfere with any person because of the person's race, color, religion, or national origin,

shall be subject to a penalty under subsection (b).

''(b) PENALTIES.—A person described in subsection (a) who is subject to a penalty under this subsection—

''(1) shall be fined under this title, imprisoned not more than 1 year, or both;

''(2) if bodily injury results or if the violation includes the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title, imprisoned not more than 10 years, or both; or

''(3) if death results or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill—

''(A) shall be fined under this title, imprisoned for any term of years or for life, or both; or

''(B) may be sentenced to death.''.

(2) TECHNICAL AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Interstate travel to commit hate crime.''.

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000''.

THE MILITARY RESERVISTS SMALL BUSINESS RELIEF ACT OF 1999

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 166, S. 918.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 918) to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business, with an amendment

to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Reservists Small Business Relief Act of 1999''.

SEC. 2. REPAYMENT DEFERRAL FOR ACTIVE DUTY RESERVISTS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

''(n) REPAYMENT DEFERRED FOR ACTIVE DUTY RESERVISTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE RESERVIST.—The term 'eligible reservist' means a member of a reserve component of the Armed Forces ordered to active duty during a period of military conflict.

''(B) ESSENTIAL EMPLOYEE.—The term 'essential employee' means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern.

''(C) PERIOD OF MILITARY CONFLICT.—The term 'period of military conflict' means—

''(i) a period of war declared by Congress;

''(ii) a period of national emergency declared by Congress or by the President; or

''(iii) a period of a contingency operation, as defined in section 101(a) of title 10, United States Code.

''(D) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(i) an individual who is an eligible reservist and who received a direct loan under subsection (a) or (b) before being ordered to active duty; or

''(ii) a small business concern that received a direct loan under subsection (a) or (b) before an eligible reservist, who is an essential employee, was ordered to active duty.

''(2) DEFERRAL OF DIRECT LOANS.—

''(A) IN GENERAL.—The Administration shall, upon written request, defer repayment of principal and interest due on a direct loan made under subsection (a) or (b), if such loan was incurred by a qualified borrower.

''(B) PERIOD OF DEFERRAL.—The period of deferral for repayment under this paragraph shall begin on the date on which the eligible reservist is ordered to active duty and shall terminate on the date that is 180 days after the date such eligible reservist is discharged or released from active duty.

''(C) INTEREST RATE REDUCTION DURING DEFERRAL.—Notwithstanding any other provision of law, during the period of deferral described in subparagraph (B), the Administration may, in its discretion, reduce the interest rate on any loan qualifying for a deferral under this paragraph.

''(3) DEFERRAL OF LOAN GUARANTEES AND OTHER FINANCINGS.—The Administration shall—

''(A) encourage intermediaries participating in the program under subsection (m) to defer repayment of a loan made with proceeds made available under that subsection, if such loan was incurred by a small business concern that is eligible to apply for assistance under subsection (b)(3); and

''(B) not later than 30 days after the date of enactment of this subsection, establish guidelines to—

''(i) encourage lenders and other intermediaries to defer repayment of, or provide other relief relating to, loan guarantees under subsection (a) and financings under section 504 of the Small Business Investment Act of 1958 that were incurred by small business concerns that are eligible to apply for assistance under subsection (b)(3), and loan guarantees provided under subsection (m) if the intermediary provides relief to a small business concern under this paragraph; and

''(ii) implement a program to provide for the deferral of repayment or other relief to any intermediary providing relief to a small business borrower under this paragraph.''.

SEC. 3. DISASTER LOAN ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after the undesignated paragraph that begins with ''Provided, That no loan'', the following:

''(3)(A) In this paragraph—

''(i) the term 'essential employee' means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern;

''(ii) the term 'period of military conflict' has the meaning given the term in subsection (n)(1); and

''(iii) the term 'substantial economic injury' means an economic harm to a business concern that results in the inability of the business concern—

''(I) to meet its obligations as they mature;

''(II) to pay its ordinary and necessary operating expenses; or

''(III) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern.

''(B) The Administration may make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of an essential employee of such small business concern being ordered to active military duty during a period of military conflict.

''(C) A small business concern described in subparagraph (B) shall be eligible to apply for assistance under this paragraph during the period beginning on the date on which the essential employee is ordered to active duty and ending on the date that is 90 days after the date on which such essential employee is discharged or released from active duty.

''(D) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(E) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such applicant constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(F) For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.''.

SEC. 4. BUSINESS DEVELOPMENT AND MANAGEMENT ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

(a) IN GENERAL.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

''(l) MANAGEMENT ASSISTANCE FOR SMALL BUSINESSES AFFECTED BY MILITARY OPERATIONS.—The Administration shall utilize, as appropriate, its entrepreneurial development and management assistance programs, including programs involving State or private sector partners, to provide business counseling and training to any small business concern adversely affected by the deployment of units of the Armed Forces of the United States in support of a period of military conflict (as defined in section 7(n)(1)).''.

(b) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendments made by this Act, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

SEC. 5. GUIDELINES.

Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this Act and the amendments made by this Act.

SEC. 6. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) DISASTER LOANS.—The amendments made by section 3 shall apply to economic injury suffered or likely to be suffered as the result of a period of military conflict occurring or ending on or after March 24, 1999.

Mr. KERRY. Mr. President, after weeks of difficult decisions, decisions which have in too many respects divided us by party, we have today an easy vote—a vote on which we can all agree. We can support reservists and small business by voting for S. 918, the Military Reservists Small Business Relief Act of 1999. When I introduced this bill on April 29th, it had 31 cosponsors. It now has the endorsement of 52 Senators—31 Democrats and 21 Republicans.

A majority of the Senate—Senators from Maine to Utah, Michigan to North Carolina—have said that the men and women who serve as reservists need and deserve help maintaining their businesses while they are serving on active duty. That is an important statement about our commitment to the reservists who serve our country.

Today, more than 4,700 reservists are serving on active duty around the world. Where are they? In Haiti, Iraq, Bosnia, and Kosovo. And where are their businesses and jobs? Pick any state—Massachusetts, Arizona, Georgia, Ohio, Michigan.

When these men and women are called to action, they often have little notice, and their families face financial and emotional hardships. With half of America's military forces serving in reserve and National Guard units—a total of 1.4 million Americans—the Pentagon has acknowledged that extensive missions now require quicker call-ups. As a veteran of the Vietnam War and Ranking Member of the Small Business Committee, I know how disruptive active service can be for reservists who are suddenly called away from their families and work to serve our country.

What does a small business with few financial or personal reserves do without the owner, manager or employee who is essential to the daily operation and success of the small business? If you're in a rural area or small town, it will be hard to find a replacement. And if your family steps in, often they don't have the experience or time to run the business. A Commander from Danvers, Mass, who owns two gas station convenience stores said the tight job market only exacerbates the difficulty of finding a replacement, and that training someone well enough to ''leave the

business in [their] hands would be near impossible.'' We need to help these men and women, their families and communities, bridge the gap between when the troops leave and when they return.

The Military Reservists Small Business Relief Act of 1999 offers small businessmen and women three types of assistance. First, it authorizes the SBA to defer loan repayments and to reduce interest rates on any of its direct loans, including disaster loans. The deferrals and reductions authorized by this bill are available from the date that the military reservist is called to active duty until 180 days after his or her release from active duty.

For microloans and loans guaranteed under the SBA's financial assistance programs, such as the 504 and 7(a) loan programs, the bill directs the Agency to develop policies that encourage and facilitate ways for SBA lenders to defer or reduce loan repayments. For example, a microlenders' ability to repay its debt to the SBA is dependent upon payments from microborrowers. So, with this bill's authority, if a microlender extends or defers loan repayment to a borrower who is a deployed military reservist, in turn the SBA would extend repayment obligations to the microlender.

Second, the bill establishes a low-interest economic injury loan program to be administered by the SBA through its disaster loan program. These loans would be available to provide interim operating capital to any small business when the departure of a miliary reservist to active duty causes substantial economic injury. Under the bill, such harm includes three general cases: inability to make loan payments; inability to pay ordinary and necessary operating expenses; or inability to market, produce or provide a service or product that it ordinarily provides. Under this provision, an eligible small business may apply for an economic injury loan from the date that the company's military reservist is ordered to active duty until 90 days after release from active duty.

Third, the bill directs the SBA and all of its private sector partners, such as the Small Business Development Centers and the Women's Business Centers, to make every effort to reach out to those businesses affected by call up of military reservists to active duty and offer business counseling and training. Those left behind to run the business, whether it's a spouse, a child, or an employee, while the military reservist is serving, may be inexperienced in running the business and need quick access to management and marketing counseling. We need to do what we can to help them keep their doors open and reduce the impact of military conflicts and national emergencies on the economy.

Finally, at the insightful suggestion of my colleague Senator LEVIN, the bill will be effective for all qualified reservists who are demobilized as of March 24th, 1999. According to the Department of Defense, 1,266 reservists have been demobilized from Bosnia, Iraq and Kosovo since the 24th.

The provisions for this bill should already be available for those who need it, and I deeply regret that this bill hasn't been acted on earlier. The nature of the legislation is uncontroversial, it passed the Committee on Small Business June 9th, almost 50 days ago, by unanimous consent and, to repeat, it has the endorsement of 51 Senators. Since then, it has also passed the full House and the Senate Committee on Small Business as part of H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999.

As much as I am frustrated by the delay on this bill, it probably doesn't compare to that of reservists who are on active duty and losing sleep over how they are going to keep their businesses going and avoid ruining their credit records. Ask the truck driver who serves in the Missouri National Air Guard and reported to active duty four months ago. He bought a new rig shortly before being called up and has hefty monthly payments to meet. He lined up a replacement to drive his truck while he was gone to keep money coming in, but the driver backed out of the agreement right before the reservist was to leave.

He tried to do the right thing—to implement a contingent plan—and yet something beyond his control interfered. It's hard to keep your customers happy when their merchandise isn't getting delivered. And it's even harder to make your loan payments when you're not bringing in enough money.

Or ask the reservist from Oklahoma who has supported his wife and four children for the past five years with a carpet and upholstery business. In 1998, he was called up for eight months, and he's been active this year since May 8th. What made it particularly damaging for his business this year was that he was called up at the beginning of the industry's high season. January to April are slow times, and April to December are the money-making months. He called my office a month ago to find out about this bill and find out how he could get assistance.

Though this bill was still waiting for action by the full Senate, we put him in contact with the SBA headquarters in Oklahoma to find some way to help. After reviewing his options and what it would take to resuscitate his business, he called to say that he was closing shop for good: ''I'm just going to close my business down. I'm not going to try to get a small business loan. I want to cut my losses now. . . .''

We have yet to know the full impact on and needs of reservists currently deployed, but, unfortunately, we know the veteran reservists of the Persian Gulf War, Operation Desert Storm, suffered substantial set-backs while away from their businesses. They left their businesses or companies in good shape and returned to hardships ranging from bankruptcy to financial ruin, from deserted clients to layoffs.

When I introduced this bill, I talked about a small-business owner from New England, a physician and Lieutenant Commander in the Navy Reserve. He was called up for Operation Desert Storm as a flight surgeon in January 1991. For ten years, he had been a solo practitioner. After six months of service, he had to file bankruptcy. That bankruptcy affected not only him and his wife, but also his two employees and their families. After one year on duty, he returned home to face civilian life without a business or a job. He was only one of many. We must never let that happen again.

The Military Reservists Small Business Relief Act is timely because it can help those 6,500 reservists who have been serving in Kosovo since as far back as March. Even those who have already come home and are struggling to keep their businesses afloat. However, it is also important for future reservists because it can offer them relief if they serve any future contingency operations such as Kosovo, military conflicts or national emergencies.

For example, in 1993, the National Guard in Missouri was deployed for two months to help with the devastating flood of the Missouri and Mississippi Rivers that left 14 miles of Missouri river-front land under water. While on active duty, two reservists, one with a successful hair salon in a suburb of St. Louis and another with a painting business in Rolla, lost so many of their clients they eventually had to close their small businesses. One of them resigned from the National Guard after that experience because he felt it had taken too big a toll on his life. At a time when America so badly needs more of our citizens to give of themselves, to sign up as military reservists, to make a sacrifice, we must pass this bill to make sure that service will not mean financial ruin. We must pass this legislation to take a stand for our reservists.

In closing, I want to thank and acknowledge Jan Behon of Pittsburgh, Pennsylvania, and Dr. Harold V. Nelson of Louisville, Kentucky, who volunteer for SERRR, the Self-Employed Recalled Reservists and Retirees committee, for their support, years of sacrifice and experience that they lent to this bill.

I also want to thank the National Guard Association of the United States for backing this legislation and ask that the Association's letter of support be included in the RECORD.

Mr. President, I thank my colleagues, particularly the 51 cosponsors of my bill, for their support of this important legislation.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee substitute amendment be agreed to, the bill, as amended, be read the third time, and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 918), as amended, was read the third time, and passed.

PRESERVATION OF ROUTE 66 CULTURAL RESOURCES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 66, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 66) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of Interior to provide assistance.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 66) was considered read the third time and passed.

Mr. DOMENICI. Mr. President, I am so very pleased that the Senate has passed H.R. 66, and taken an historic step in preserving one of America's cultural treasures—Route 66. I have long championed preservation of Route 66, the ''Mother Road,'' which changed and shaped America in the twentieth century. This body had already passed my legislation earlier this year, S. 292, the Route 66 Corridor Preservation Act. Congresswoman HEATHER WILSON of Albuquerque, New Mexico, reintroduced a companion bill (H.R. 66) in the House of Representatives, and after a few amendments, we have finally got legislation which will preserve the unique cultural resources along the famous Route and authorize the Interior Secretary to provide assistance through the Park Service. I have been working for this day for nine years.

This legislation almost became law at the end of the 105th Congress, but failed to pass in the House of Representatives due to last minute political wrangling. However, no one has ever questioned the merit of this legislation.

I introduced the ''Route 66 Study Act of 1990,'' which directed the National Park Service to determine the best ways to preserve, commemorate, and interpret Route 66. As a result of that study, I introduced legislation last Congress authorizing the National Park Service to join with Federal, State, and private efforts to preserve aspects of historic Route 66, the Nation's most important thoroughfare for East-West migration in the twentieth century.

H.R. 66 authorizes a funding level over 10 years and stresses that we want the Federal Government to support grassroots efforts to preserve aspects of this historic highway. The Secretary of the Interior can now support State, local, tribal, and private organizations' efforts to preserve these resources.

Designated in 1926, the 2,200-mile Route 66 stretched from Chicago to Santa Monica, CA. It rolled through eight American States and three time zones. In New Mexico, it went through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants, and Gallup. New Mexico added to the aura of Route 66, giving new generations of Americans their first experience of our colorful culture and heritage. Route 66 allowed generations of vacationers to travel to previously remote areas and experience the natural beauty and cultures of the Southwest and Far West.

While mobility of Americans has increased, few have forgotten the impact of this two-lane roadway of our youth. The ''Grapes of Wrath'' illustrates how depression-era families utilized this ''Mother Road'' to escape the dust bowl and start new lives in the West. The western U.S. was later opened to tourism, and many people learned the beauties of this entire country, Midwest to West. And I think a few folks discovered that New Mexico really is the Land of Enchantment.

The bill is designed to assist private efforts to preserve structures and other cultural resources of the historic Route 66 corridor. I am pleased that as we reach the turn of the century, we have recognized this historic landmark, and the impact it had on this Nation in this century.

I thank my colleagues for once again recognizing the importance of this legislation. I also want to thank the many New Mexicans and the National Historic Route 66 Federation for their support and help in this effort. Finally we will have a law recognizing the twentieth century equivalent to the Santa Fe Trail.

MUHAMMAD ALI BOXING REFORM ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 161, S. 305.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 305) to reform unfair and anticompetitive practices in the professional boxing industry.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 305

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 ''Muhammad Ali Boxing Reform Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Professional boxing differs from other major, interstate professional sports industries in the United States in that it operates without any private sector association, league, or centralized industry organization to establish uniform and appropriate business practices and ethical standards. This has led to repeated occurrences of disreputable and coercive business practices in the boxing industry, to the detriment of professional boxers nationwide.

(2) Professional boxers are vulnerable to exploitative business practices engaged in by certain promoters and sanctioning bodies which dominate the sport. Boxers do not have an established representative group to advocate for their interests and rights in the industry.

(3) State officials are the proper regulators of professional boxing events, and must protect the welfare of professional boxers and serve the public interest by closely supervising boxing activity in their jurisdiction. State boxing commissions do not currently receive adequate information to determine whether boxers competing in their jurisdiction are being subjected to contract terms and business practices which may be violative of State regulations, or are onerous and confiscatory.

(4) Promoters who engage in illegal, coercive, or unethical business practices can take advantage of the lack of equitable business standards in the sport by holding boxing events in states with weaker regulatory oversight.

(5) The sanctioning organizations which have proliferated in the boxing industry have not established credible and objective criteria to rate professional boxers, and operate with virtually no industry or public oversight. Their ratings are susceptible to manipulation, have deprived boxers of fair opportunities for advancement, and have undermined public confidence in the integrity of the sport.

(6) Open competition in the professional boxing industry has been significantly interfered with by restrictive and anti-competitive business practices of certain promoters and sanctioning bodies, to the detriment of the athletes and the ticket-buying public. Common practices of promoters and sanctioning organizations represent restraints of interstate trade in the United States.

(7) It is necessary and appropriate to establish national contracting reforms to protect professional boxers and prevent exploitative business practices, and to require enhanced financial disclosures to State athletic commissions to improve the public oversight of the sport.

(8) Whereas the Congress seeks to improve the integrity and ensure fair practices of the professional boxing industry on a nationwide basis, it deems it appropriate to name this reform in honor of Muhammad Ali, whose career achievements and personal contributions to the sport, and positive impact on our society, are unsurpassed in the history of boxing.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to protect the rights and welfare of professional boxers by preventing certain exploitative, oppressive, and unethical business practices they may be subject to on an interstate basis;

(2) to assist State boxing commissions in their efforts to provide more effective public oversight of the sport; and

(3) to promoting honorable competition in professional boxing and enhance the overall integrity of the industry.

SEC 4. PROTECTING BOXERS FROM EXPLOITATION.

The Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.) is amended by—

(1) redesignating section 15 as 16; and

(2) inserting after section 14 the following:

"SEC. 15. PROTECTION FROM EXPLOITATION.

''(a) CONTRACT REQUIREMENTS.—

''(1) IN GENERAL.—Any contract between a boxer and a promoter or manager shall—

''(A) include mutual obligations between the parties;

''(B) specify a minimum number of professional boxing matches per year for the boxer; and

''(C) set forth a specific period of time during which the contract will be in effect, including any provision for extension of that period due to the boxer's temporary inability to compete because of an injury or other cause.

''(2) 1-YEAR LIMIT ON COERCIVE PROMOTIONAL RIGHTS.—

''(A) The period of time for which promotional rights to promote a boxer may be granted under a contract between the boxer and a promoter, or between promoters with respect to a boxer, may not be greater than 12 months in length if the boxer is required to grant such rights, or a boxer's promoter is required to grant such rights with respect to a boxer, as a condition precedent to the boxer's participation in a professional boxing match against another boxer who is under contract to the promoter.

''(B) A promoter exercising promotional rights with respect to such boxer during the 12-month period beginning on the day after the last day of the promotional right period described in subparagraph (A) may not secure exclusive promotional rights from the boxer's opponents as a condition of participating in a professional boxing match against the boxer during that period, and any contract to the contrary—

''(i) shall be considered to be in restraint of trade and contrary to public policy; and

''(ii) unenforceable.

''(C) Nothing in this paragraph shall be construed as pre-empting any State law concerning interference with contracts.

''(3) PROMOTIONAL RIGHTS UNDER MANDATORY BOUT CONTRACTS.—Neither a promoter nor a sanctioning organization may require a boxer, in a contract arising from a professional boxing match that is a mandatory bout under the rules of the sanctioning organization, to grant promotional rights to any promoter for a future professional boxing match.

''(b) EMPLOYMENT AS CONDITION OF PROMOTING, ETC.—No person who is a licensee, manager, matchmaker, or promoter may require a boxer to employ, retain, or provide compensation to any individual or business enterprise (whether operating in corporate form or not) recommended or designated by that person as a condition of—

''(1) such person's working with the boxer as a licensee, manager, matchmaker, or promoter;

''(2) such person's arranging for the boxer to participate in a professional boxing match; or

''(3) such boxer's participation in a professional boxing match.

''(c) ENFORCEMENT.—

''(1) PROMOTION AGREEMENT.—A provision in a contract between a promoter and a boxer, or between promoters with respect to a boxer, that violates subsection (a) is contrary to public policy and unenforceable at law.

''(2) EMPLOYMENT AGREEMENT.—In any action brought against a boxer to recover money (whether as damages or as money owed) for acting as a licensee, manager, matchmaker, or promoter for the boxer, the court, arbitrator, or administrative body before which the action is brought may deny recovery in whole or in part under the contract as contrary to public policy if the employment, retention, or compensation that is the subject of the action was obtained in violation of subsection (b).''.

(b) CONFLICTS OF INTEREST.—Section 9 of such Act (15 U.S.C. 6308) is amended by—

(1) striking ''No member'' and inserting ''(a) REGULATORY PERSONNEL.—No member''; and

(2) adding at the end thereof the following:

''(b) FIREWALL BETWEEN PROMOTERS AND MANAGERS.—

''(1) IN GENERAL.—It is unlawful for—

[''(A) a promoter to have a direct or indirect financial interest in the management of a boxer; or

[''(B) a manager—**]**

''(A) a boxer's promoter (or a promoter who is required to be licensed under State law) to have a direct or indirect financial interest in that boxer's licensed manager or management company; or

''(B) a licensed manager or management company (or a manager or management company that, under State law, is required to be licensed)—

''(i) to have a direct or indirect financial interest in the promotion of a boxer; or

''(ii) to be employed by or receive compensation or other benefits from a promoter, except for amounts received as consideration under the manager's contract with the boxer.

''(2) EXCEPTION FOR SELF-PROMOTION AND MANAGEMENT.—Paragraph (1) does not prohibit a boxer from acting as his own promoter or manager.''.

SEC. 5. SANCTIONING ORGANIZATION INTEGRITY REFORMS.

(a) IN GENERAL.—The Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.), as amended by section 4 of this Act, is amended by—

(1) redesignating section 16, as redesignated by section 4 of this Act, as section 17; and

(2) by inserting after section 15 the following:

"SEC. 16. SANCTIONING ORGANIZATIONS.

''(a) OBJECTIVE CRITERIA.—A sanctioning organization that sanctions professional boxing matches on an interstate basis shall establish objective and consistent written criteria for the ratings of professional boxers.

''(b) APPEALS PROCESS.—A sanctioning organization shall establish and publish an appeals procedure that affords a boxer rated by that organization a reasonable opportunity, without the payment of any fee, to submit information to contest its rating of the boxer. Under the procedure, the sanctioning organization shall, within 14 days after receiving a request from a boxer questioning that organization's rating of the boxer—

''(1) provide to the boxer a written explanation of the organization's criteria, its rating of the boxer, and the rationale or basis for its rating (including any response to any specific questions submitted by the boxer); and

''(2) submit a copy of its explanation to the President of the Association of Boxing Commissions of the United States and to the boxing commission of the boxer's domiciliary State.

''(c) NOTIFICATION OF CHANGE IN RATING.—If a sanctioning organization changes its rating of a boxer who is included, before the change, in the top 10 boxers rated by that organization, *or who, as a result of the change is included in the top 10 boxers rated by that organization*, then, within 14 days after changing the boxer's rating, the organization shall—

''(1) mail notice of the change and a written explanation of the reasons for its change in that boxer's rating to the boxer at the boxer's last known address;

''(2) post a copy, within the 14-day period, of the notice and the explanation on its Internet website or homepage, if any, for a period of not less than 30 days; and

''(3) mail a copy of the notice and the explanation to the President of the Association of Boxing Commissions.

''(d) PUBLIC DISCLOSURE.—

''(1) FTC FILING.—Not later than January 31st of each year, a sanctioning organization shall submit to the Federal Trade Commission—

''(A) a complete description of the organization's ratings criteria, policies, and general sanctioning fee schedule;

''(B) the bylaws of the organization;

''(C) the appeals procedure of the organization; and

''(D) a list and business address of the organization's officials who vote on the ratings of boxers.

''(2) FORMAT; UPDATES.—A sanctioning organization shall—

''(A) provide the information required under paragraph (1) in writing, and, for any document greater than 2 pages in length, also in electronic form; and

''(B) promptly notify the Federal Trade Commission of any material change in the information submitted.

''(3) FTC TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Federal Trade Commission shall make information received under this subsection available to the public. The Commission may assess sanctioning organizations a fee to offset the costs it incurs in processing the information and making it available to the public.

''(4) INTERNET ALTERNATIVE.—In lieu of submitting the information required by paragraph (1) to the Federal Trade Commission, a sanctioning organization may provide the information to the public by maintaining a website on the Internet that—

''(A) is readily accessible by the general public using generally available search engines and does not require a password or payment of a fee for full access to all the information;

''(B) contains all the information required to be submitted to the Federal Trade Commission by paragraph (1) in a easy to search and use format; and

''(C) is updated whenever there is a material change in the information.''.

(b) CONFLICT OF INTEREST.—Section 9 of such Act (15 U.S.C. 6308), as amended by section 4 of this Act, is amended by adding at the end thereof the following:

''(c) SANCTIONING ORGANIZATIONS.—

''(1) PROHIBITION ON RECEIPTS.—Except as provided in paragraph (2), no officer or employee of a sanctioning organization may receive any compensation, gift, or benefit directly or indirectly from a promoter, boxer, or manager.

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

''(A) the receipt of payment by a promoter, boxer, or manager of a sanctioning organization's published fee for sanctioning a professional boxing match or reasonable expenses in connection therewith if the payment is reported to the responsible boxing commission under section 17; or

''(B) the receipt of a gift or benefit of de minimis value.''.

(c) SANCTIONING ORGANIZATION DEFINED.—Section 2 of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301) is amended by adding at the end thereof the following:

''(11) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization that *ranks boxers or* sanctions professional boxing matches in the United States—

''(A) between boxers who are residents of different States; or

''(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.''.

SEC. 6. PUBLIC INTEREST DISCLOSURES TO STATE BOXING COMMISSIONS.

(a) IN GENERAL.—The Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.), as amended by section 5 of this Act, is amended by—

(1) redesignating section 17, as redesignated by section 5 of this Act, as section 18; and

(2) by inserting after section 16 the following:

''SEC. 17. REQUIRED DISCLOSURES TO STATE BOXING COMMISSIONS.

''(a) SANCTIONING ORGANIZATIONS.—Before [sanctioning] *sanctioning or authorizing* a professional boxing match in a State, a sanctioning organization shall provide to the boxing commission of, or responsible for [sanctioning] *regulating* matches in, that State a written statement of—

''(1) all charges, fees, and costs the organization will assess any boxer participating in that match;

''(2) all payments, benefits, complimentary benefits, and fees the organization will receive for its affiliation with the event, from the promoter, host of the event, and all other sources; and

''(3) such additional information as the commission may require.

A sanctioning organization that receives compensation from any source to refrain from exercising its authority or jurisdiction over, or withholding its sanction of, a professional boxing match in any State shall provide the information required by paragraphs (2) and (3) to the boxing commission of that State.

''(b) PROMOTERS.—Before a professional boxing match organized, promoted, or produced by a promoter is held in a State, the promoter shall provide [a statement in writing] to the boxing commission of, or responsible for [sanctioning] *regulating* matches in, that State—

''(1) a copy of any agreement in writing to which the promoter is a party with any boxer participating in the match;

''(2) a statement *in writing* made under penalty of perjury that there are no other agreements, written or oral, between the promoter and the boxer with respect to that match; and

''(3) a statement in writing of—

''(A) all fees, charges, and expenses that will be assessed by or through the promoter on the boxer pertaining to the event, including any portion of the boxer's purse that the promoter will receive, and training expenses; [and]

''(B) all payments, gift, or benefits the promoter is providing to any sanctioning organization affiliated with the [event.] *event; and*

''(C) any reduction in the amount or percentage of a boxer's purse after—

''(i) a previous agreement concerning the amount or percentage of that purse has been reached between the promoter and the boxer; or

''(ii) a purse bid held for the event.

''(c) JUDGES.—Before participating in a professional boxing match as a judge in any State, an individual shall provide to the boxing commission of, or responsible for regulating matches in, that State a statement in writing of all payments, including reimbursement for expenses, and any other benefits that individual will receive from any source for judging that match.

''[(c)] *(d)* INFORMATION TO BE AVAILABLE TO STATE ATTORNEY GENERAL.—A promoter shall make information received under this section available to the chief law enforcement officer of the State in which the match is to be held upon request.

''[(d)] *(e)* EXCEPTION.—The requirements of this section do not apply in connection with a professional boxing match scheduled to last less than 10 [rounds.''.] *rounds.*

''(f) CONFIDENTIALITY OF AGREEMENTS.—Neither a boxing commission nor an Attorney General may disclose to the public any matter furnished by a promoter under subsection (b)(1) or subsection (d) except to the extent required in public legal, administrative, or judicial proceedings brought against that promoter under State law.''.

SEC. 7. ENFORCEMENT.

Section 10 of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6309) is amended by—

(1) inserting a comma and ''other than section 9(b), 15, 16, or 17,'' after ''this Act'' in subsection (b)(1);

(2) redesignating paragraphs (2) and (3) of subsection (b) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

''(2) VIOLATION OF ANTI-EXPLOITATION, SANCTIONING ORGANIZATION, OR DISCLOSURE PROVISIONS.—Any person who knowingly violates any provision of section 9(b), 15, 16, or 17 of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than—

''(A) $100,000; and

''(B) if the violations occur in connection with a professional boxing match the gross revenues for which exceed $2,000,000, such additional amount as the court finds appropriate,

or both.''; and

(3) adding at the end thereof the following:

''(c) ACTIONS BY STATES.—Whenever the chief law enforcement officer of any State has reason to believe that a person or organization is engaging in practices which violate any requirement of this Act, the State, as *parens patriae,* may bring a civil action on behalf of its residents in an appropriate district court of the United States—

''(1) to enjoin the holding of any professional boxing match which the practice involves;

''(2) to enforce compliance with this Act;

''(3) to obtain the fines provided under subsection (b) or appropriate restitution; or

''(4) to obtain such other relief as the court may deem appropriate.

''(d) PRIVATE RIGHT OF ACTION.—Any boxer who suffers economic injury as a result of a violation of any provision of this Act may bring an action in the appropriate Federal or State court and recover the damages suffered, court costs, and reasonable attorneys fees and expenses.''.

SEC. 8. PROFESSIONAL BOXING SAFETY ACT AMENDMENTS.

(a) DEFINITIONS.—Section 2 of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301), as amended by section 5(c) of this Act, is amended by adding at the end thereof the following:

''(12) SUSPENSION.—The term 'suspension' includes within its meaning the revocation of a boxing license.''.

(b) RENEWAL PERIOD FOR IDENTIFICATION CARDS.—Section 6(b)(2) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6305(b)(2)) is amended by striking ''2 years.'' and inserting ''4 years.''.

[(b)] *(c)* STATE BOXING COMMISSION PROCEDURES.—Section 7(a)(2) of such Act (15 U.S.C. 6306(a)(2)) is amended—

(1) by striking ''or'' in subparagraph (C);

(2) by striking ''documents.'' at the end of subparagraph (D) and inserting ''documents; or''; and

(3) adding at the end thereof the following:

''(E) unsportsmanlike conduct or other inappropriate behavior inconsistent with generally accepted methods of competition in a professional boxing match.''.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

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

The Committee amendments were agreed to.

AMENDMENT NO. 1368

(Purpose: To incorporate a number of changes suggested by the Attorney General, and for other purposes)

Mr. SESSIONS. Mr. President, Senator MCCAIN has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS), for Mr. MCCAIN, proposes an amendment numbered 1368.

The amendment is as follows:

On page 5, line 2, before ''The'' insert ''(a) IN GENERAL.—''.

On page 9, between lines 17 and 18, insert the following:

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to contracts executed after the date of enactment of this Act.

On page 9, line 25, strike ''by''.

On page 10, beginning in line 3, strike ''that sanctions professional boxing matches on an interstate basis''.

On page 11, line 2, strike ''within 14 days''.

On page 11, line 4, insert ''within 5 business days'' before ''mail''.

On page 11, line 8, strike ''post a copy, within the 14-day period,'' and insert ''immediately post a copy''.

On page 11, line 14, strike ''Commissions.'' and insert ''Commissions if the organization does not have an address for the boxer or does not have an Internet website or homepage.

On page 12, line 20, strike ''ALTERNATIVE.—In lieu of'' and insert ''POSTING.—In addition to''.

On page 12, line 23, strike ''may'' and insert ''shall''.

On page 15, line 1, strike ''by''.

On page 18, line 11, after ''9(b),'' insert ''9(c),''.

On page 18, line 15, strike ''the violations occur'' and insert ''a violation occurs''.

On page 18, beginning in line 17, strike ''such additional amount as the court finds appropriate,'' and insert ''an additional amount which bears the same ratio to $100,000 as the amount of the gross revenues in excess of $2,000,000 bears to $2,000,000,''.

On page 18, line 19, strike ''and''.

On page 18, between lines 19 and 20, insert the following:

(3) striking in ''section 9'' in paragraph (3), as redesignated, and inserting ''section 9(a)''; and

On page 18, line 20, strike ''(3)'' and insert ''(4)''.

On page 19, line 4, strike ''which the practice involves;'' and insert ''that involves such practices;''.

On page 19, line 15, strike the closing quotation marks and the second period.

On page 19, between lines 15 and 16, insert the following:

''(e) ENFORCEMENT AGAINST FEDERAL TRADE COMMISSION, STATE ATTORNEYS GENERAL, ETC.—Nothing in this Act authorizes the enforcement of—

''(1) any provision of this Act against the Federal Trade Commission, the United States Attorney General, the chief legal officer of any State for acting or failing to act in an official capacity;

''(2) subsection (d) of this section against a State or political subdivision of a State, or any agency or instrumentality thereof; or

''(3) section 15 against a boxer acting in his capacity as a boxer.''.

On page 20, line 5, strike ''amended—'' and insert ''amended by—''.

On page 20, line 6, strike ''by''.

On page 20, line 7, strike ''by''.

Mr. SESSIONS. Mr. President, I ask unanimous consent the amendment be considered as read and agreed to.

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

The amendment (No. 1368) was agreed to.

AMENDMENT NO. 1369

(Purpose: To establish contract requirements for broadcasting)

Mr. SESSIONS. Mr. President, there is a second amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS), for Mr. REID, proposes an amendment numbered 1369.

The amendment is as follows:

On page 18, line 11, strike ''or 17'' and insert 17, or 18''.

On page 20, after line 13, insert the following:

SEC. 9. REQUIREMENTS FOR CONTRACTS BETWEEN BOXERS AND BROADCASTING COMPANIES.

(a) IN GENERAL.—The Professional Boxing Safety Act of 1996 (15 U.S.C. 1603 et seq.), as amended by section 6, is amended—

(1) by redesignating section 18, as redesignated by section 6 of this Act, as section 19; and

(2) by inserting after section 17 the following:

''SEC. 18. CONTRACTS BETWEEN BOXERS AND BROADCASTING COMPANIES.

''(a) CONTRACT REQUIREMENTS.—Any contract between a boxer and a broadcaster for the broadcast of a boxing match in which that boxer is competing shall—

''(1) include mutual obligations between the parties; and

''(2) specify either—

''(A) the number of bouts to be broadcast; or

''(B) the duration of the contract.

''(b) PROHIBITIONS.—A broadcaster may not—

''(1) require a boxer to employ a relative or associate of the broadcaster in any capacity as a condition of entering into a contract with the broadcaster;

''(2) have a direct or indirect financial interest in the boxer's manager or management company; or

''(3) make a payment, or provide other consideration (other than of a de minimus amount or value) to a sanctioning organization or any officer or employee of such an organization in connection with any boxer with whom the broadcaster has a contract, or against whom a boxer with whom is broadcaster has a contract is competing.

''(c) NOTIFICATION OF REDUCTION IN AGREED AMOUNT.—If a broadcaster has a contract with a boxer to broadcast a match in which that boxer is competing, and the broadcaster reduces the amount it agreed to pay the boxer under that contact (whether unilaterally or by mutual agreement), the broadcaster shall notify, in writing within 48 hours after the reduction, the supervising State commission for that match of the reduction.

''(d) ENFORCEMENT.—

''(1) CONTRACT.—A provision in a contract between a broadcaster and a boxer that violates subsection (a) is contrary to public policy and unenforceable at law.

''(2) PROHIBITIONS; NOTIFICATION.—For enforcement of subsections (b) and (c), see section 10.''.

(b) BROADCASTER DEFINED.—Section 2 of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301), as amended by section 8 of this Act, is amended by adding at the end thereof the following:

''(13) BROADCASTER.—The term 'broadcaster' means any person who is a licensee as that term is defined in section 3(24) of the Communications Act of 1934 (47 U.S.C. 153(24)).''.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1369) was agreed to.

AMENDMENT NO. 1370

(Purpose: To standardize the physical examinations that each boxer must take before each professional boxing match and to require a brain CAT scan every two years as a requirement for licensing a boxer)

Mr. SESSIONS. Mr. President, there is a final amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS), for Mr. MOYNIHAN, proposes an amendment numbered 1370.

The amendment is as follows:

On page 20, after line 13, add the following:

(d) STANDARDIZED PHYSICAL EXAMINATIONS.—Section 5(1) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6304(1)) is amended by inserting after ''examination'' the following: '', based on guidelines endorsed by the American Medical Association, including a circulo-respiratory check and a neurological examination,''.

(e) CAT SCANS.—Section 6(b)(2) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6305(b)(2)) is amended by inserting before the period the following: ''and, with respect to such renewal, present proof from a physician that such boxer has taken a computerized axial tomography (CAT) scan within the 30-day period preceding that date on which the renewal application is submitted and that no brain damage from boxing has been detected''.

Mr. MOYNIHAN. Mr. President, on January 3, 1999, Jerry Quarry, a perennial heavyweight boxing champion contender in the 1960's and 1970's, died of pneumonia brought on by an advanced state of dementia pugilistica. He was 53. The Professional Boxing Safety Act of 1996 was an excellent step toward making professional boxing safer for its participants. Nevertheless, it contains several gaps.

The amendment I proposed here today is aimed at protecting professional fighters by requiring more rigorous prefight physical examinations and by requiring a brain catscan before a boxer can renew his or her professional license.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 1370) was agreed to.

The bill (S. 305), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

ORDERS FOR WEDNESDAY, JULY 28, 1999

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, July 28. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will reconvene tomorrow morning at 9:30 a.m. In accordance with a previous order, the Senate will begin a cloture vote on the substitute amendment to the juvenile justice bill at 9:45 a.m. Following the vote, it is the intention of the majority leader to begin consideration of the reconciliation bill. By statute, the reconciliation bill is limited to 20 hours of debate, and therefore it is hoped that the Senate can make significant progress on that bill on Wednesday. It is expected that the Senate will complete action on that legislation on Thursday, or Friday, if necessary.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:33 p.m., adjourned until Wednesday, July 28, 1999 at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 27, 1999:

DEPARTMENT OF COMMERCE

ANNE H. CHASSER, OF OHIO, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS, VICE LAWRENCE J. GOFFNEY, JR., RESIGNED.

THE JUDICIARY

BRIAN THEADORE STEWART, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH VICE J. THOMAS GREENE, RETIRED.

PETRESE B. TUCKER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE THOMAS N. O'NEILL, JR., RETIRED.

FEDERAL TRADE COMMISSION

THOMAS B. LEARY, OF THE DISTRICT OF COLUMBIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1998, VICE MARY L. AZCUENAGA, RESIGNED.